

CIVIL GOVERNMENT
OF THE
STATE OF INDIANA
AND THE
UNITED STATES.

—♦♦♦—
LEA WORTH.

JK

5625

1887

.L4

LIBRARY OF CONGRESS.

Chap. Copyright. No.

Shelf JK 5625

1887

UNITED STATES OF AMERICA.

L4

CIVIL GOVERNMENT

OF THE

STATE OF INDIANA

AND THE

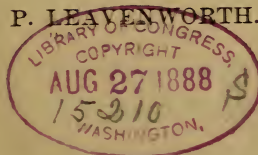
UNITED STATES.

A TEXT-BOOK FOR SCHOOLS.

25.8
5152^a

BY

H. P. LEAVENWORTH.



INDIANAPOLIS, INDIANA:

THE NORMAL PUBLISHING HOUSE, J. E. SHERRILL, PROPRIETOR.

1887.

J.K. 5625
1887
L4

Entered according to Act of Congress in the year 1887.

By J. E. SHERRILL.

In the Office of the Librarian of Congress, at Washington, D. C.

PREFACE.

It has been the aim of the author of this little book to present, in as brief and comprehensive a manner as possible, a statement of the principles of the government under which we live, and its workings in city, township, county, state and nation.

In preparing a work of this character, much which would be of interest must necessarily be omitted. It is hoped, however, that enough is given to enable the average school-boy or school-girl to have a clear idea of how our government is carried on in its various departments.

The treatment of the National Government has purposely been made brief, it being the opinion of the author that a knowledge of *local affairs* is more valuable than a discussion of the whys and wherefores of the Federal Constitution. This Constitution, however, has been followed closely, and the more important and less easily understood clauses commented upon.

A number of outlines are given to assist in fixing in mind the various divisions and the officers of each.

MT. VERNON, IND., April 23, 1887.

TABLE OF CONTENTS.

PART I.

INTRODUCTORY.

CHAPTER I.

	PAGE.
Origin and Nature of Our Government	7

PART II.

CIVIL GOVERNMENT OF INDIANA.

CHAPTER II.

Bill of Rights	13
----------------------	----

CHAPTER III.

Elections	17
-----------------	----

CHAPTER IV.

Civil Government of the State, Legislative Department	22
---	----

CHAPTER V.

Civil Government of the State, Executive Department	34
---	----

CHAPTER VI.

Civil Government of the State, Judicial Department	49
--	----

CHAPTER VII.

Civil Government of the County, Legislative and Executive Departments	55
--	----

CHAPTER VIII.

Civil Government of the County, Judicial Department ..	67
--	----

CHAPTER IX.

Civil Government of the Township	76
--	----

CHAPTER X.

Civil Government of Cities and Towns.....	83
---	----

PART III.

CIVIL GOVERNMENT OF THE UNITED STATES.

CHAPTER XI.

Legislative Department	92
------------------------------	----

CHAPTER XII.

Executive Department.....	103
---------------------------	-----

CHAPTER XIII.

Judicial Department	116
---------------------------	-----

CHAPTER XIV.

Miscellaneous Provisions of the Constitution	120
--	-----

CIVIL GOVERNMENT.

PART I.

INTRODUCTORY.

CHAPTER I.

ORIGIN AND NATURE OF OUR GOVERNMENT.

1. At the close of the Revolutionary War the United States of America consisted of thirteen States ^{Articles of} ~~Confederation.~~ united by the Articles of Confederation. Under these Articles each State was sovereign and independent, and the Confederation was declared to be "a league of friendship between the States." The National power was vested in Congress, which had but little authority over the States. It could declare war, but could not compel a single soldier to fight; it could borrow money on the credit of the United States, but could not provide for the payment of a dollar; it could not punish those who violated its laws; it could not collect taxes; it had no control over the States, and in fact was worse than useless.

2. During the Revolution the States had been united by their common danger; they needed no National government to hold them together; but when ^{Trouble among the States.} this danger was removed, it became evident that the Articles of Confederation were too weak to serve the purpose for which they were intended. The States became jealous of one another, and were continually enacting laws which would be beneficial to themselves and injurious to their neighbors. The National Government, so weak at home, commanded no respect from foreign nations, who took advantage of the rivalry of the States. It was seen by many of the statesmen of the country that unless some stronger form of government could be adopted, the Confederation would crumble into ruins, and form thirteen petty States instead of one great Nation.

3. In accordance with this feeling, it was resolved to make an attempt to revise the Articles of Confederation and make them stronger. ^{Desire for stronger government.} Virginia took the lead, and appointed delegates to meet the delegates to be appointed from the other States, for the purpose of remedying the defects in the Articles. After several ineffectual attempts, the Convention finally organized at Philadelphia, on May 25, 1787, by electing George Washington, of Virginia, President.

4. Although the object of the convention was to revise the Articles of Confederation, the delegates soon

Formation
of the
Constitution. decided that it would be necessary to form an entirely different plan of union. For four months they continued their labors, and the result was the present Constitution of the United States.

5. According to the terms of the Constitution the ratification of nine States was declared sufficient for its adoption by the States ratifying it. Within one year

Adoption
of the
Constitution. after its submission to the people it was adopted by eleven States. Early in the year 1789 electors were appointed for the election of a President of the United States. The electors unanimously chose George Washington the first President of the new union, and on April 30, 1789, he took the oath of office.

6. The Constitution of the United States is the Nature
of the
Constitution. supreme law of our country. No law passed by the National or State legislative bodies can be enforced if contrary to its provisions. But the Federal Government has only such powers as are delegated to it by the Constitution, and these powers mainly concern the United States as a whole and in relation to other nations. To the States themselves is given the power to regulate their local affairs. All powers of government which are not distinctly given to the Federal Government by the Constitution, thus belong to the States.

7. In addition to the Federal Constitution, each of the States is governed by a State Constitution. The State Con-
stitutions. State Constitution is in the nature of an

agreement between the whole body of people and each individual ; it is framed by a convention composed of delegates from all parts of the State, and must be adopted by a majority of the citizens before becoming the law. It is the fundamental law of the State. It lays down the principles upon which the government is to be conducted, and gives general directions to the Legislature regarding the laws to be made by that body. No law passed by the Legislature can be enforced if contrary to the State Constitution. It is thus a protection to the people against unwise or vicious legislation.

8. By both the Federal and State Constitutions the powers of government are divided among three departments: the Legislative, which makes the laws ; the Executive, which carries them into effect, and the Judicial, which interprets them and punishes those who disobey them. It has been found by experience that a wide separation of these departments is desirable, and that the powers and duties of each officer should be confined to the department of which he is a member. In certain cases, however, it has been thought best to give to one officer powers which belong to different departments. The power of the Governor or President to veto the acts of the legislative bodies is an example of this. In the county or township, where the legislative powers are limited, the Executive and Legislative departments are often combined.

NOTE.—A short sketch of the early history of the State will not be out of place here :

The territory now included in the State of Indiana was originally a part of the vast possessions claimed by France in consequence of the explorations of LaSalle, Joliet and others. The first settlement within the present limits of the State is said to have been made at Vincennes, in 1702, by a party of French Canadians. The territory remained in possession of France until the year 1763, when by the treaty made at the close of the French and Indian war, the whole of the territory east of the Mississippi and north of the Iberville rivers was ceded to Great Britain. It was held by the English until the close of the Revolutionary war, when Great Britain ceded to the United States all the territory south of the Great Lakes.

By what is known as the Ordinance of 1787, the country now included in the States of Ohio, Indiana, Illinois, Michigan and Wisconsin, was organized into the North-West Territory. In the year 1800 the North-West Territory was divided. Ohio was set off as a separate territory, and the western part was organized under the government of Indiana. The population continuing to increase, Michigan was organized as a Territory in 1805, and Illinois in 1809, leaving the Territory of Indiana with the present boundaries of the State. The capital was fixed at Corydon.

In 1811 the Shawnee Indians commenced a series of depredations against the whites. On November 6th of that year a force of regulars and militia under the command of Governor William Henry Harrison, after a short but bloody conflict, defeated the Indians at Tippecanoe, near the present city of LaFayette.

In April, 1816, the population of the Territory having become sufficiently large, an act was passed by Congress authorizing the people of Indiana to form a constitution preparatory to admission to the Union. A convention was called and a Constitution framed, which, on June 29th, was adopted by the people. On December 16, 1816, Indiana was formally admitted to the Union. In 1824, the capital of the State was removed to Indianapolis, where it has since remained. In 1849 the people voted for a new Constitution. A convention met at Indianapolis the next year and framed the Constitution, which, with a few amendments, is still the fundamental law of the State.

QUESTIONS.

1. What was the form of government of the United States at the close of the Revolution?

2. What were the chief defects of the Articles of Confederation?

3. What was the effect on the States of the weakness of the Articles of Confederation?

4. What was done to remedy the state of affairs?

5. Tell of the organization of the Constitutional Convention.

6. When and how was the Constitution adopted?

7. When did the Constitution go into effect?

8. What is the nature of the Federal Constitution?

9. What is said of the relations of the Federal Government to the States?

10. What other Constitution have we besides the Federal Constitution?

11. Tell what you can of State Constitutions.

12. Among what three departments are the powers of government divided?

13. What is the office of each of these departments?

14. What is desirable in these departments?

15. In what cases is this principle violated?

PART II.

CIVIL GOVERNMENT OF INDIANA.

CHAPTER II.

BILL OF RIGHTS.

9. The Bill of Rights is a declaration of the rights reserved to the people of the States as individuals. It ^{Natural} _{rights.} begins by declaring that all men are created equal; that they are endowed by their Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness; that all power is inherent in the people, and that they have a natural right to make their own laws and alter them at any time.

10. The General Assembly is forbidden to make any law which shall interfere with a person's right to ^{Religion.} worship God as he chooses. No preference is to be given to any mode of worship, nor is any person compelled to support any religious denomination. No religious test is necessary to hold office. In short, it is the intention of the Constitution to keep the Church and State entirely distinct and separate.

11. The General Assembly is prohibited from passing any law which will restrict a person's right to Free speech. speak or write freely on any subject whatever. If, however, he abuses this privilege, he can be held responsible for his acts.

12. All courts must be open. If a man considers that his person, property or reputation has been injured, he has a right to resort to law for Trials. remedy. If a person is accused of any crime, he has the right to a public trial by an impartial jury, in the county where his offense was committed. He has a right to be heard in defense, and can compel witnesses who may testify in his favor to attend and give their testimony. No person, after having been convicted or acquitted, can be tried again for the same offense, nor can any one be compelled to testify against himself.

13. Excessive bail and fines are prohibited. All offenses except murder and treason areailable. If Bail and punishment. there is strong proof of either of these offenses, the person charged can be sent to jail without bail. No person, when arrested or confined in jail, shall be treated with unnecessary rigor, nor shall cruel or unusual punishments be inflicted.

14. Treason against the State consists only in levying war against it, or giving aid or comfort to its enemies. Treason. Conviction of treason can only be made by the testimony of two witnesses, or by confession in open court.

15. Except in case of fraud, there shall be no imprisonment for debt. The debtor shall have a reasonable amount of property exempt from seizure for debt. The amount fixed by the General Assembly is six hundred dollars.

16. The writ of *habeas corpus* can not be suspended except in case of rebellion or invasion. No *ex post facto* law, or law impairing the obligation of contracts, shall be passed. The writ of *habeas corpus* is a writ compelling a sheriff who has a prisoner in charge to bring him before the judge issuing the writ, to see whether the arrest of the prisoner is lawful. An *ex post facto* law is a law making an act punishable which was committed before the law was passed. The operation of a law can be suspended only by the General Assembly.

17. No law can prohibit the inhabitants of a State from assembling together to consult on matters of common good; nor can the people be prohibited from instructing their representatives or petitioning the General Assembly for a redress of grievances.

18. The military power is subordinate to the civil. No soldier shall, in time of peace, be quartered in any house without consent of the owner, and during war only in a manner according to law. The people shall be allowed to bear arms to protect themselves and the State.

19. No man's property or services can be taken by law without just compensation. The people have a ^{Property Search.} right to be secure in their houses and effects against unreasonable search. All search-warrants must be supported by oath and must describe the place to be searched.

20. Emigration from the State can not be prohibited. No titles of nobility can be granted by the ^{Emigration, etc.} General Assembly. There can be no slavery except on conviction of crime by imprisonment in the penitentiary.

QUESTIONS.

1. Repeat the preamble of the State Constitution. (See page —.)
2. What is the Bill of Rights?
3. What are some of the natural rights of man?
4. What is said about religion?
5. What prohibition is made concerning free speech?
6. What can a person charged with an offense demand?
7. How many times may a person be tried for the same offense?
8. What provisions are made concerning bail and punishment?
9. Define treason.
10. How may a person be convicted of treason?
11. Define writ of *habeas corpus*; *ex post facto* law.
12. What is said of imprisonment for debt?

-
13. What rights of petition and assembling have the people of the State?
 14. What is said of the military power?
 15. What is necessary before a house can be searched?
 16. What prohibitions are made with regard to emigration, nobility and slavery?
-

CHAPTER III.

ELECTIONS.

21. The general elections for State and county officers are held on the first Tuesday after the first Time. Monday in November. Elections for township officers are held on the first Monday in April. These elections are biennial, and are held in the even-numbered years.

22. Any native-born male person who is twenty-one years old, who has lived in the State during the Qualifications for voters. six months, in the township during the sixty days, and in the voting precinct during the thirty days preceding the election, is a legal voter. If a foreign-born male person is twenty-one years old, has fulfilled the conditions of residence, and has lived in the United States for one year, he may become a voter by filing his application to become a citizen of the United States.

23. Any person who secures an office by giving or offering bribes, threats or rewards, is disqualified from

^{Disqualifica-}
_{tion.} holding the office during the term for which he was elected. Any person who gives or accepts a challenge to fight a duel, or carries a challenge, is disqualified from holding office. Defaulters, or those who have had charge of public money and failed to account for it, can not hold office until the money is accounted for.

24. Twenty days before each election the Clerk of the Circuit Court must certify to the Sheriff what officers are to be elected. The Sheriff gives fifteen days' notice of the election by posting the certificate at each polling-place, by publishing it in a newspaper of the county, and by giving a copy to each Township Trustee.

25. Each county is divided into a number of voting precincts by the Board of County Commissioners.

^{Precincts.} There must be at least one precinct in each township, and no precinct shall contain more than three hundred and fifty voters. The County Commissioners also designate the places of holding the elections.

26. The Township Trustee is inspector of elections. If there is more than one precinct, the Board of Commissioners appoint the inspectors for the
^{Officers}
_{of}
Elections. remaining precincts. The inspector of each precinct appoints two judges of election, who must be of opposite political parties, and who have been *freeholders and †householders of the precinct for at least

* A *freeholder* is a person who owns real estate.

† A *householder* is the head of a family.

one year. The inspector and judges appoint two clerks, who must be legal voters and of different political parties. All the officers of election must take an oath to faithfully discharge their duties.

27. The polls must be opened between the hours of eight and ten in the forenoon, and remain open until
Polls. four o'clock in the afternoon. After that time, if a ballot is not presented for fifteen minutes, the board of election may close the polls and proceed to count the votes. The polls must be closed at six o'clock.

28. The ballots must be written or printed on plain white paper three inches wide. Nothing must be
Manner placed on the ballots except the names of
of the candidates and the offices for which they
Voting. are voted. The ballot-boxes are so made that but one ballot at a time can be deposited. When a voter tenders his ballot, his name is pronounced in an audible voice by the inspector, and, if there is no objection, his ballot is put into the box and the name repeated by one of the judges. The clerks enter and number in a book provided for the purpose, the name of each person as he votes. The vote of any person suspected of being an illegal voter may be challenged by any legal voter present. If he persists in casting his vote, he may be required to take a written oath that he is a legal voter. The oath of another person who has been a freeholder and a resident householder in the precinct for one year, is also required. If these oaths

are taken the challenged person can not be prevented from voting.

29. When the polls are closed, the ballot-box is opened; the ballots are taken out, one by one, by the ^{Counting the} inspector, who reads them aloud and hands _{votes.} them to the judges to be strung on a thread of twine. The clerks keep account of the number of votes for each person as the names are read. No one is admitted to the room except two voters of each political party appointed by the county or township central committee. When the counting of the votes is finished, the board of judges make out a certificate of the number of votes cast for each candidate. The certificate, with one of the lists of voters and one tally-sheet, is deposited with the inspector or one of the judges. The ballots, with the other list of voters and tally-sheet, are sent to the Clerk of the Circuit Court.

30. The inspector of the several precincts, or the judges who have the records form the county board of ^{Board of} canvassers. They meet on the Thursday after _{canvassers.} the election and make a statement of the total votes cast in the county for each person. The Clerk of the Circuit Court makes out the certificates of election; for county offices he delivers the certificate to the person elected; for State offices and Congressmen he sends a certified statement of the vote received by each candidate to the Secretary of State, and for Governor and Lieutenant-Governor he sends two certified statements to the Speaker of the House of Representatives,

one by the Senator or Representative from that district and the other by mail.

QUESTIONS.

1. When and how often are general elections held?
2. What are the qualifications for a legal voter in Indiana?
3. Who are disqualified from holding office?
4. What are the duties of Clerks and Sheriffs regarding elections?
5. What are precincts?
6. How many voters can there be in each precinct?
7. Name the officers of election with their duties.
8. When do the polls open and close?
9. What constitutes a legal ballot?
10. What is meant by "challenging a man's vote?"
11. How may a person who has been challenged vote?
12. Describe how the votes are counted.
13. Who constitute the board of canvassers?
14. What are the duties of this board?
15. What are the duties of the Circuit Clerk regarding the certificates of election?
16. Why is this chapter especially important?

CHAPTER IV.

CIVIL GOVERNMENT OF THE STATE.

OUTLINE.

Legislative,	General Assembly	{	Senate.
		{	House of Representatives.
Executive		{	Governor.
		{	Lieutenant-Governor.
		{	Secretary of State.
		{	Auditor of State.
		{	Treasurer of State.
		{	Superintendent of Public Instruction.
		{	Board of Education.
		{	Board of Equalization.
Judicial		{	Officers appointed by the Governor.
		{	Supreme Court.
		{	Clerk of Supreme Court.
		{	Sheriff of Supreme Court.
		{	Reporter of Supreme Court.
		{	Attorney-General.
		{	Circuit Court.*

LEGISLATIVE DEPARTMENT.

31. The legislative power of the State is vested in the General Assembly or Legislature. This body has How vested. the exclusive power of making the laws by which the people of the State are governed. It is divided into two houses:—the Senate and the House of Representatives. Members of both houses are elected by the voters of the State.

32. Every six years an enumeration of the male inhabitants of the State over twenty-one years of age

*Although the judges of the Circuit Court are paid from the State treasury, and elected by circuits, they are practically county officers, and are placed under the civil government of the county.

Apportionment. is taken. At the next session of the General Assembly, the State is divided into *districts for the election of senators and Representatives according to the enumeration. There can be no more than fifty Senators and one hundred Representatives, which is the number of each at present. No county can be divided for Senatorial apportionment, and when a district is composed of several counties they must be contiguous.

* The apportionment by the General Assembly of 1885 is as follows:

Senators.—Posey and Gibson; Vanderburgh; Warrick and Spencer; Knox and Pike; Dubois and Perry; Daviess and Martin; Sullivan and Greene; Orange, Crawford and Harrison; Floyd and Washington; Clark and Jefferson; Clark, Scott and Jennings; Jackson and Lawrence; Dearborn, Ohio and Switzerland; Ripley, Franklin and Union; Shelby and Decatur; Bartholomew, Brown and Monroe; Morgan, Johnson and Brown; Clay and Owen; Vigo; Parke and Vermillion; Putnam and Hendricks; Clinton, Boone and Montgomery, 2; Marion, 2; Marion, Hancock and Shelby; Hancock and Rush; Henry and Fayette; Wayne; Delaware and Randolph; Adams, Jay and Blackford; Grant and Madison; Tippecanoe; Warren and Fountain; Newton, Jasper and Benton; White, Pulaski and Carroll; Cass; Miami and Howard; Wells and Huntington; Allen and Whitley; Kosciusko and Wabash; Marshall and Fulton; Lake and Porter; LaPorte; St. Joseph and Starke; Elkhart; Tipton and Hamilton; Noble and DeKalb; LaGrange and Steuben.

Representatives.—Posey; Vanderburgh, 2; Warrick; Spencer; Perry; Pike; Gibson; Knox; Knox, Gibson and Vanderburgh, 2; Daviess; Sullivan; Greene; Dubois and Martin; Lawrence, Dubois and Orange; Orange and Crawford; Harrison; Washington; Jackson; Floyd; Clark; Jefferson; Floyd, Clark and Jefferson; Scott and Jennings; Dearborn, Ohio and Switzerland; Dearborn; Ripley; Franklin; Ripley, Franklin and Union; Decatur; Bartholomew; Monroe and Brown; Owen; Clay; Vigo, 2; Sullivan, Vigo and Vermillion; Parke; Putnam; Hendricks; Morgan; Johnson; Shelby; Hancock; Marion, 5; Marion, Hancock and Shelby; Rush; Henry; Henry and Fayette; Wayne, 2; Randolph; Delaware; Adams and Jay; Adams, Jay and Blackford; Grant;

33. The sessions of the General Assembly are held every two years, at the State House at Indianapolis, Sessions. beginning on the Thursday next after the first Monday in January of the odd-numbered years. The length of the session is limited to sixty-one days, but the Governor can at any time call an extra session for not more than forty days.

34. In order to be a Senator or Representative a person must be, at the time of his election, a citizen Qualifications. of the United States; for two years preceding his election, he must have been an inhabitant of the State; and for one year preceding his election, he must have been an inhabitant of the county or district from which he is chosen. Senators must be twenty-five years of age, and Representatives twenty-one years of age.

35. The term of Senators is four years; of Representatives two years. The Senators are divided into Term. two classes, so that the terms of only one-half expire at the same time.

36. The pay of members of both houses is six dollars per day with mileage at the rate of five dollars for

Madison; Hamilton; Tipton; Howard; Boone; Clinton; Montgomery; Montgomery, Putnam and Clay; Fountain; Tippecanoe; Tippecanoe and Clinton; Warren and Benton; Jasper and Newton; White and Pulaski; Carroll; Cass; Miami; Cass and Miami; Wabash; Huntington; Wells; Allen. 2; Allen and Huntington; Whitley; Fulton; Lake; Porter; LaPorte; LaPorte, Starke and Pulaski; Marshall; St. Joseph, 2; Elkhart; Kosciusko; Noble; DeKalb; Elkhart, Noble and DeKalb; LaGrange; Steuben.

Where there is a single Senator or Representative to each county or district no number is given.

<sup>Compensa-
tion.</sup> every twenty-five miles traveled to and from their places of residence to the capital. The General Assembly has the power to fix the salaries of all the officers of the State, but their salaries can not be increased during the term for which they were elected.

37. All laws passed by the General Assembly are in the form of bills. These bills are introduced by the Bills. clause, "Be it enacted by the General Assembly of the State of Indiana," and may originate in either house, except bills for raising revenue, which must originate in the House of Representatives. The bill, when first introduced, does not go directly to the house, but is first put in the hands of a committee* who examine its merits and defects. If the committee recommend that the bill pass it goes to the house, is read three times on different days, and a vote is taken. If a majority of the house are in favor of the bill it goes to the other house. If a majority of both houses favor the bill it is then sent to the Governor, who signs it or vetoes it. If he signs it, it becomes a law; if he vetoes it, he sends it back to the house where it originated, to be reconsidered. If a majority

* Standing committees, whose duties are suggested by their names, are appointed in each house to serve during the entire session. A majority of the members of these committees generally belong to the same political party as the majority in the house. A bill not recommended by the committee seldom comes before the house, but the minority of the committee may make a report differing from that of the majority, and this minority report may be adopted by the house. The position of Speaker is an important one from the fact that he has the appointment of the standing committees and may thus shape the legislation of the house.

of all the members elected to this house are in favor of it, it is again sent to the other house; and if a majority in each house favor it, it becomes a law in spite of the Governor's veto. If the Governor does not return a bill for three days, Sundays excepted, after it was sent to him, it becomes a law without his signature. If the General Assembly adjourns before the Governor has time to return the bill, he is given five days in which to file it in the office of the Secretary of State, who returns it to the General Assembly at the opening of the next session. At the close of each session, the bills passed during the session are printed in book form and distributed to the counties of the State. The bills ordinarily do not become laws until the printed copies have been sent to all the counties, and the Governor has issued a proclamation to that effect, but if a clause declaring an emergency is added to the bill it becomes a law immediately after passage.

38. With the exception of the President of the Senate, who is the Lieutenant-Governor elected by Officers. the people, each house has the power to elect its own officers. The Senate can, however, elect a president *pro tempore* to take the place of the Lieutenant-Governor if he is called to the Governor's chair. The Lieutenant-Governor can vote only in case of a tie. The presiding officer of the House of Representatives is called the Speaker. He has the appointment of the standing committees, and receives a salary of eight dollars per day. The other officers of the House

of Representatives are clerk, assistant clerk and door-keeper; of the Senate, secretary, assistant secretary and doorkeeper. Each of these receives six dollars per day. Besides these, there are assistant clerks, assistant doorkeepers, committee clerks, pages and laborers.

39. The General Assembly divides the State into congressional districts for the election of members of ^{Congressional} districts. the National House of Representatives. A new division is made every ten years. Indiana is at present entitled to thirteen *Representatives in the national house.

* The following is the bill passed by the General Assembly of 1835, dividing the State into Congressional Districts. It shows both the form in which the bills are introduced and the division of the State.

AN ACT to divide the State into Congressional Districts.

SECTION 1. *Be it enacted by the General Assembly of the State of Indiana,* That the State of Indiana shall be divided into thirteen districts for the election of Representatives in the Congress of the United States, each of which shall be entitled to one Representative.

SEC. 2. The limits of each district shall be as follows:

SEC. 3. The counties of Posey, Gibson, Vanderburgh, Warrick, Pike, Spencer, and Perry, shall constitute the First District.

SEC. 4. The counties of Knox, Greene, Daviess, Martin, Dubois, Lawrence, Orange, and Crawford, shall constitute the Second District.

SEC. 5. The counties of Harrison, Washington, Jackson, Jennings, Scott, Clark, and Floyd, shall constitute the Third District.

SEC. 6. The counties of Jefferson, Ripley, Decatur, Union, Franklin, Dearborn, Ohio, and Switzerland, shall constitute the Fourth District.

SEC. 7. The counties of Owen, Putnam, Hendricks, Morgan, Monroe, Brown, Johnson, and Bartholomew, shall constitute the Fifth District.

SEC. 8. The counties of Henry, Delaware, Randolph, Wayne, Fayette, and Rush, shall constitute the Sixth District.

40. The legislatures of the several States elect the United States Senators. This is in accordance with a ^{Election of} U. S. Senator. provision of the Constitution of the United States, and the manner of proceeding is as follows :

On the second Tuesday after the organization of the Legislature each house takes a *viva voce* vote for Senator. On the day following the two houses meet in joint session ; if the same person has received a majority of the votes in both houses, he is declared elected ; if no one has received such majorities, the joint assembly proceeds to vote ; the person receiving a majority of the votes of the joint assembly, provided a majority of both houses are present, is declared elected. If no Senator is chosen on the first day, the joint assembly meets every day, and takes at least one ballot until the Senator is elected or the Legislature adjourns.

SEC. 9. The counties of Marion, Madison, Hancock, and Shelby, shall constitute the Seventh District.

SEC. 10. The counties of Sullivan, Vigo, Clay, Parke, Vermillion, Fountain, and Montgomery, shall constitute the Eighth District.

SEC. 11. The counties of Boone, Tippecanoe, Clinton, Tipton, Hamilton, Howard, Benton, and Warren, shall constitute the Ninth District.

SEC. 12. The counties of Carroll, Cass, White, Fulton, Pulaski, Newton, Jasper, Lake, and Porter, shall constitute the Tenth District.

SEC. 13. The counties of Grant, Miami, Wabash, Huntington, Wells, Adams, Jay, and Blackford, shall constitute the Eleventh District.

SEC. 14. The counties of Allen, Whitley, Noble, DeKalb, LaGrange, and Steuben, shall constitute the Twelfth District.

SEC. 15. The counties of Starke, LaPorte, St. Joseph, Marshall, Elkhart, and Kosciusko, shall constitute the Thirteenth District.

SEC. 16. All laws, and parts of laws, in conflict with the provisions of this act, shall be, and the same are hereby repealed.

41. The members of the General Assembly are privileged from arrest while attending the sessions, or ^{Privilege of} while going to and from them, except for _{members.} treason, felony, or breach of the peace. This is a privilege given to members of the United States Congress and to the members of all the State Legislatures. The arrest of a member would deprive his constituents of their representation in the house to which he belongs; the cause must therefore be some serious violation of law. No member can be held responsible in court or any other place for anything he may say in debate or speech. This provision is for the purpose of securing absolute free speech to the members of the General Assembly. Either house may punish its members for disorderly conduct, or by a two-thirds vote expel a member.

42. A quorum to do business of either house consists of two-thirds of the members; a smaller number ^{Quorum.} can adjourn from day to day and compel the absent members to attend.

43. Each house has the power of deciding all questions concerning the election, qualifications and returns ^{Elections, etc.} of its members. In case the election of a member is contested, that house alone to which the member belongs decides who is entitled to the seat.

44. Neither house has a right to adjourn without the consent of the other house for more than three ^{Adjournment.} days, or to any other place than that in which it may be sitting.

45. Each house is required to keep and publish a journal of its proceedings. This journal is printed *Journal.* and distributed to the Clerks of the various counties. The acts of the General Assembly and the votes of the members on the various questions are thus made public.

46. Whenever a general law can be made applicable, the General Assembly is prohibited by the State *Local laws.* Constitution from making laws which will be operative in one locality and not in another. The following are some of the subjects upon which local laws are specially forbidden: For the punishment of crimes and misdemeanors; regulating the practice in courts of justice; granting divorces; changing the names of persons; regulating township and county business; regulating the election of township and county officers, and providing for their compensation; for the assessment and collection of taxes for State, county, township or road purposes; providing for supporting common schools, and for the preservation of the school fund; in relation to interest on money; summoning and impaneling grand and petit juries and providing for their compensation.

47. The General Assembly has power to impeach all State officers. This can be done by the House of *Impeachment.* Representatives, the Senate trying the case, or by joint resolution. Two-thirds majority is necessary both to impeach and convict. The causes for impeachment are crime, incapacity or negligence, and

the penalty is removal from office. If the officer is guilty of a crime he may also be punished for it in addition to his impeachment. County, township and town officers may also be impeached in such manner as the General Assembly may direct.

48. The members of the General Assembly are ineligible, during the term for which they are elected, to *Ineligibility.* any office the election of which is vested in the General Assembly, nor can they be appointed to any office which has been created, or the salary of which has been increased during their term of office in the General Assembly. No person holding a lucrative office under the United States is eligible to a seat in the General Assembly. This includes all officers except those in the militia, which have no salary, and deputy postmasters whose salaries are less than ninety dollars per year.

49. Amendments to the Constitution may be proposed in either house of the General Assembly. If *Amendments to the Constitution.* the proposed amendment is agreed to by a majority of the members elected to each of the two houses, it, together with the yeas and nays on its adoption, is entered on the journals and is referred to the next session of the General Assembly. If a majority of the members of each of the two houses at the second session favor its adoption, it is submitted to the voters of the State. If a majority of the voters of the State are in its favor it becomes a part of the Constitution.

QUESTIONS.

1. From the outline, learn the officers of each of the three departments of government.
2. In what is the State legislative power vested?
3. How are the Senators and Representatives elected?
4. How many Senators and Representatives are there?
5. How are the members of the General Assembly apportioned?
6. What counties comprise the senatorial district in which you live?
7. Who is Senator from this district?
8. How many Representatives has this county?
9. Name the Representatives from this county or district.
10. When, where and for how long are the sessions of the General Assembly held?
11. What qualifications are necessary to be a Senator or Representative?
12. How do the terms of Senators and Representatives differ?
13. What pay do members of the Legislature get?
14. What is a bill?
15. In what three ways may a bill become a law?
16. When do bills become laws?
17. What is meant by "declaring an emergency?"
18. Name the officers of each house.

19. Which of these officers is elected by the people?
20. Who is Speaker of the House of Representatives at present?
21. What power has the General Assembly concerning congressional districts?
22. In what district do you live?
23. Of what counties is your district composed?
24. Who is Representative to Congress from your district?
25. Explain how United States Senators are elected.
26. What privileges have members of the General Assembly?
27. What is a quorum?
28. What can a few members do, if the others do not attend?
29. What power has each house over contested seats?
30. What provision is made regarding adjournment?
31. Why is each house required to keep and publish a journal?
32. What are "local laws?"
33. Upon what subjects are local laws specially forbidden?
34. What is impeachment?
35. Who may be impeached by the General Assembly?
36. What are the causes and what the penalty of impeachment?

37. State what is said of ineligibility.

38. How may amendments to the State Constitution be made?

CHAPTER V.

EXECUTIVE DEPARTMENT.

Governor.

50. The Governor is the Chief Executive of the State. It is his especial duty to see that the laws are ^{Duty.}_{Election.} faithfully executed. He is elected by the legal voters of the State on the day that the electors for President of the United States are chosen. In the election of Governor, if there are more than two candidates, the one having the highest number of votes is elected, but if two candidates have the same number the General Assembly selects one of the two as Governor.

51. The term of Governor is four years, beginning on the second Monday of January following his election. He is eligible to the office only four ^{Term.} years in every eight years. No person can be Governor for two consecutive terms.

52. In order to be Governor a person must have been a citizen of the United States for five years, and ^{Qualifications.} a resident of the State during the five years preceding his election. He must also be at least thirty years of age.

53. The Governor is Commander-in-Chief of the military and naval forces of the State. The military Militia. forces of the State are known as the militia, and are divided into two classes—active and sedentary. The active militia includes all able-bodied male persons between the ages of eighteen and forty-five who organize into companies. The sedentary militia consists of all male persons subject to bear arms. The active militia is known as the “Indiana Legion.” In case of a riot, or any serious outbreak, it is the Governor’s duty to call out the militia to suppress the disturbance. The Governor issues his order to the Mayor of the city, the Judge of the Circuit Court, or the Sheriff of the county, who can call upon the commander of the body of militia nearest the scene of the difficulty.

54. At the beginning of each session of the General Assembly the Governor sends to that body his Message. message, giving general information concerning the condition of the State, and making any recommendations which he may think proper. These are made merely as suggestions, and the General Assembly is not bound to act upon them.

55. The Governor has power to grant pardons, commutations and reprieves for all offenses except Pardons and reprieves. treason, and conviction on impeachment. He has power to suspend sentence in case of conviction for treason until a meeting of the General Assembly, which body has power to act as it sees

fit in regard to the prisoner. The Governor must report to the General Assembly all reprieves, commutations and pardons granted, also all fines and forfeitures remitted and the amount of each of the latter.

56. If, during the recess of the General Assembly, a vacancy occurs in any office over which the General Vacancies. Assembly has the power of appointment, the Governor appoints a person to fill the vacancy until a successor is elected by the General Assembly. When a vacancy occurs in a State office or in the office of judge of any State court, the Governor appoints a person to fill the vacancy. The person appointed serves out the unexpired term of the officer whose place he has taken. If a vacancy occurs in either house of the General Assembly or in the National House of Representatives, the Governor issues a writ of election to fill the vacancy.

57. The Governor receives the reports of the Secretary, Auditor and Treasurer of State, the State Superintendent of Public Instruction, and the Superintendents of the Benevolent Institutions of the State. He transmits these reports to the General Assembly, and in the year when the General Assembly does not meet, he has their reports printed and distributed among the counties of the State.

58. The salary of the Governor is five thousand <sup>Compensa-
tion.</sup> dollars per year. He may appoint a private secretary at a salary of fifteen hundred dollars a year to be paid from the State treasury.

59. The following officers are commissioned by the Governor: Secretary, Auditor and Treasurer of State, Commissions. Superintendent of Public Instruction, Judges of the Supreme Court, Reporter of the Supreme Court, Clerk of the Supreme Court, Attorney-General, Judges of the Circuit Courts, Prosecuting Attorneys, Coroners, Justices of the Peace, City Judges, militia officers, and all officers appointed by the Governor.

Lieutenant-Governor.

60. The Lieutenant-Governor is elected at the same time as the Governor, and serves for the same term. Election, etc. Upon the death or resignation of the Governor, he succeeds to the office. His qualifications must be the same as those of the Governor.

61. The Lieutenant-Governor is the presiding officer of the Senate, but can vote only in case of a tie. * Duties. He is also a member of the State Board of Equalization and the Board of Visitors to the State University. He plays a small part in the administration of the affairs of the State, and the office was created merely to provide for a successor to the Governor in case the latter should die or resign.

62. His salary as President of the Senate and Compensation. member of the Board of Equalization is eight dollars per day and mileage.

Secretary of State.

63. The Secretary of State is elected at the general election for a term of two years. He can hold

Election, etc. the office for only two consecutive terms, and must give a bond for ten thousand dollars, to be approved by the Governor.

64. It is his duty to keep the enrolled copy of the Constitution of the State; the description of the State ^{Custody of documents.} seal; all the acts and joint resolutions of the General Assembly; all deeds and conveyances, except mortgages, belonging to the State; the official bonds of all the State officers except himself, and all papers which form a part of the records of the State.

65. As soon as possible after the adjournment of each session of the General Assembly, he must collect ^{Publication of laws.} and deliver to the printer all the acts and joint resolutions passed during the session. These are to be distributed among the State and United States officers and courts, and among the counties of the State, as provided by law. He also distributes the printed journals of the two houses of the General Assembly and the copies of the acts of Congress which are sent to the State.

66. (1) He keeps a register of the official acts of the Governor and attests them. The seal of the ^{Other duties.} State, with the Secretary's attest, must be placed on all pardons, commissions, etc. (2) After each general election, in the presence of the Governor, from the certificates of votes sent to him by the clerks of the Circuit Court of the several counties, he compares the number of votes given for the candidates for all the State offices elected by the people

except Governor and Lieutenant-Governor, and certifies to the Governor the persons receiving the highest number of votes. (3) He receives and files the articles of association of all corporations formed in the State. (4) In the absence of the speaker of the House of Representatives he presides at the organization of the house. (5) In case the offices of Governor and Lieutenant-Governor are both vacant and there is no President of the Senate, he convenes the Senate to elect a President. (6) He must lay all the papers relating to the official acts of the Governor before either house of the General Assembly when so requested, and must keep all his books and papers open to the inspection of the General Assembly. (7) He must furnish the Governor any information concerning his office when so requested.

67. The salary of the Secretary of State is two <sup>Compensar-
tion.</sup> thousand dollars per year and fifty per cent. of certain fees collected by him.

Auditor of State.

68. The Auditor is elected for a term of two years at the same time as the Secretary of State, and is also Election, etc. ineligible for more than two consecutive terms. He must give a bond for ten thousand dollars to be approved by the Governor.

69. (1) He keeps all accounts between the State and other States, the United States, or any person ^{Duties.} having the management of money belonging

to the State. (2) He examines and liquidates the accounts of County Treasurers and other collectors of the State revenue. (3) He keeps account of the different revenue and expenditures of the State and at every session of the General Assembly makes a complete report of the financial affairs of the State for the two preceding years. (4) He examines and pays all claims against the State if provision has been made by law for their payment, and if no provision has been made, he reports the fact to the General Assembly. (5) He collects all money due the State. (6) He prosecutes all suits for money due the State. (7) He draws and records warrants on the Treasurer of State for all money to be paid out of the treasury. (8) He suggests plans for the improvement and management of the public revenues and funds. (9) He keeps all records and mortgages pertaining to his office, or to the State, when no other provision is made for their safe keeping. (10) He has supervision over the banks of deposit, savings banks, insurance companies, and other corporations of the State, and requires them to make certain reports to him. (11) He furnishes the County Auditors with forms and instructions concerning the collection of taxes. (12) In the absence of the Lieutenant-Governor he presides over the Senate at its organization. (13) He furnishes the Governor, when so requested, information on every subject connected with his office. (14) He must keep

his books and papers open to the inspection of the Governor and General Assembly.

70. The salary of the Auditor of State is fifteen <sup>Compensa-
tion.</sup> hundred dollars per year, with twenty-five per cent. of fees collected by him.

Treasurer of State.

71. The Treasurer is elected for a term of two years, at the same time as the Secretary of State. He ^{Election, etc.} is also ineligible for more than two consecutive terms, and must give bond for seven hundred thousand dollars, to be approved by the Governor.

72. (1) The Treasurer has charge of the public money of the State. He must keep a strict account ^{Duties.} of the receipts and disbursements at the treasury, and must pay out money only on the warrant of the Auditor of State. He also receives money into the treasury only when accompanied by the Auditor's draft. He is prohibited from keeping the money of the State in any other place than the vault of the treasury, and is also prohibited from loaning the State's money. (2) With the Auditor of State, he makes out and publishes in the newspapers, at the end of each month, a statement of the amount of money in the treasury. On the first Monday in November of each year, he publishes in the newspapers a statement showing the receipts and expenditures during the year. He also makes a similar report to the General Assembly at the beginning of each session. (3) He must

keep his office open for the inspection of the Governor or General Assembly.

73. The salary of the Treasurer is three thousand Compensation. dollars per year.

Superintendent of Public Instruction.

74. The Superintendent of Public Instruction is Election, etc. elected by popular vote at the general election for a term of two years.

75. This officer, as the name implies, has charge of the educational affairs of the State. His principal

Duties. duties are as follows: (1) He must visit each county in the State at least once during his term of office, and examine the Auditor's books to see whether the school funds are properly taken care of. (2) He meets with the teachers and school officers of the State and lectures upon subjects of educational interest. (3) He has general supervision over the school funds, and, in case of their misappropriation, institutes suit for their recovery. (4) He prescribes forms of book-keeping for the county Auditors and Treasurers. (5) He publishes and distributes the school laws of the State. (6) He makes the semi-annual apportionment of the school fund. (7) He must give his opinion in writing on any point of the school law to a school officer when so requested. (8) In the year when there is no session of the General Assembly, he makes a complete report to the Governor, and at the opening of each session of the General

Assembly, he makes a complete report to that body of the educational affairs of the State, and offers suggestions as to the improvement of the school system. The reports are bound and distributed among the counties of the State.

76. The Superintendent's salary is twenty-five ^{Compensa} hundred dollars per year. He is also allowed _{tion.} six hundred dollars a year for traveling expenses.

State Board of Education.

77. This board consists of the Governor, the Superintendent of Public Instruction, the President of the State University, the President of Purdue University, the President of the State Normal School, and the Superintendents of the City Schools in the three largest cities of the State. The Superintendent of Public Instruction is President of the board, and he or a majority can call it together at any time. This board grants State certificates to teachers of experience and ability, prepares the questions which the County Superintendents use in the examination of teachers, disposes of all questions arising in the administration of the school system, not otherwise provided for.

State Board of Equalization.

78. This board consists of the Governor, Lieutenant-Governor, Secretary, Auditor and Treasurer of State, and Attorney-General. It meets annually on the third Monday in June, for the purpose of assessing the railroad property in the State, and, in every

sixth year, of equalizing the assessment of the real estate of the various counties of the State. The County Auditors send abstracts of the railroad property listed in their counties to the board; the board assesses the property as it sees fit, and certifies the amount assessed, through the Auditor of State, to the County Auditors. In equalizing the assessment of real estate the board raises or lowers the valuation in each county until it is the same throughout all the counties of the State. The board publishes and distributes an annual report of its proceedings.

Officers Appointed by the Governor.

79. The State Geologist is appointed for a term of four years. He has charge of the State geological State Geologist. museum, conducts the geological survey of the State, and notes the discovery of any mineral or stone which may be useful to agriculture or manufacture. An appropriation of five thousand dollars is made annually for this department, and the Geologist is allowed eighteen hundred dollars of this for his salary. He makes an annual report to the Governor which is printed and distributed.

80. The duties of the Inspector of Mines are to inspect all coal mines of the State, employing more Inspector of Mines. than ten men, at least twice each year, and to see that precautions are taken to preserve the health and lives of the men employed. He also inspects the scales used at the mine for weighing coal. His salary

is fifteen hundred dollars per year. He makes an annual report to the Governor. His term is two years.

81. The Inspector of Oils inspects the petroleum oil used for burning purposes. He is appointed for a ^{Inspector of}
_{Oils.} term of two years, and must appoint at least one deputy in each congressional district in the State. His compensation is entirely in fees.

82. It is the duty of the Commissioner of Fisheries to examine the various streams, lakes and water courses ^{Commissioner}
_{of Fisheries.} of the State, and see whether they can be made more productive in the supply of fish. He is also to see whether this can best be done by protecting the fish living in the waters, or by introducing new varieties. He is appointed for a term of two years. An appropriation not to exceed two thousand dollars per year is made, of which the Commissioner receives three hundred dollars for his salary.

83. Notaries Public are appointed for four years upon certificates of qualifications and moral character ^{Notaries}
_{Public.} from the Judges of the Circuit Court of their respective counties. Before being commissioned each Notary Public must procure a seal, take an oath of office, and file a bond of one thousand dollars with the Clerk of the Circuit Court. Notaries have power to certify all acknowledgments of deeds or other legal papers, to administer oaths, and to certify affidavits. Officers in banks and persons holding office are prohibited from being Notaries Public.

84. Commissioners of Deeds are persons appointed

and commissioned in other States for the purpose of Commissioners of Deeds. taking acknowledgments, affidavits, etc., to be used in this State. They are the same as Notaries Public, except that they live outside of the State.

85. The State Board of Health consists of four members appointed by the Governor, and a secretary, Board of Health. elected by the members of the board. It has general supervision over matters which concern the health and life of the citizens of the State. It makes inquiries into the causes of diseases, and suggestions regarding their prevention and cure. The secretary is the State Health Officer. He receives reports from the various health officers of the vital and sanitary statistics of the State. The secretary receives a salary not to exceed twelve hundred dollars per year, but the other members receive only their necessary expenses.

86. The Chief of the Bureau of Statistics is appointed for a term of two years. It is his duty to Bureau of Statistics. collect the statistics sent to him from the counties of the State and publish them in his annual report. His salary is twelve hundred dollars per year.

87. The Governor also appoints the trustees of Purdue University, the trustees of the State Normal Other Officers. School, the managers of the Female Reformatory, the trustees of the various benevolent institutions, the Adjutant-General, the Quartermaster-General, the more important militia officers, and other minor officers of the State government.

QUESTIONS.

1. How, when and for how long is the Governor elected?
2. What qualifications are necessary in order to become Governor?
3. What is the militia?
4. What connection has the Governor with the militia?
5. What are the Governor's messages?
6. What power has the Governor regarding reprieves and pardons?
7. What are his powers concerning vacancies?
8. Why does the office of United States Senator come under this section?
9. What officers make reports to the Governor?
10. What officers are commissioned by the Governor?
11. What is the Governor's salary?
12. Who is Governor of Indiana?
13. Tell of the election, qualifications, duties and salary of the Lieutenant-Governor.
14. Who is Lieutenant-Governor?
15. For how long is the Secretary of State elected?
16. How long is he eligible to the office?
17. What are his duties in regard to the custody of documents?
18. Tell how the State laws are published.
19. Name some other duties of the Secretary of State.

20. What is the salary of the Secretary of State?
21. Who is Secretary of State?
22. Tell of the election and term of the Auditor of State.
23. Give ten of his principal duties.
24. What is his salary?
25. Who is Auditor of State?
26. Tell of the election and term of the Treasurer of State.
27. What are his principal duties?
28. What is his salary?
29. Who is Treasurer of State?
30. Tell of the election and term of the Superintendent of Public Instruction.
31. What are his duties?
32. What is his salary?
33. Who is Superintendent of Public Instruction?
34. What officers comprise the State Board of Education?
35. What are the duties of this board?
36. What officers comprise the State Board of Equalization?
37. What are the duties of this board?
38. Name the officers appointed by the Governor.
39. What are the duties of the State Geologist?
40. What are the duties of the Inspector of Mines?
41. What are the duties of the Inspector of Oils?
42. What are the duties of the Commissioner of Fisheries?

43. How are Notaries Public appointed?
44. What powers have they?
45. Name some Notaries Public in your neighborhood.
46. What are Commissioners of Deeds?
47. Tell what you can of the State Board of Health.
48. What are the duties of the Chief of the Bureau of Statistics?

CHAPTER VI.

JUDICIAL DEPARTMENT.

88. The judicial power of the State is vested by the Constitution in the Supreme Court, in Circuit Courts, How Vested. and such other courts as the General Assembly may establish. Two other courts, the Superior Court and the Criminal Court, have been established in certain counties of the State for the purpose of assisting the Circuit Court to dispose of its business.

89. By the jurisdiction of a court, we mean the class of cases which it has the power to decide. A Jurisdiction. court has original jurisdiction when the case may be begun in it; it has appellate jurisdiction when the case is brought up to it from a lower court; it has exclusive jurisdiction when it is the only court which has power to decide the case.

90. Any person who is a voter, and is of good moral character, may be admitted to the bar and allowed

Attorneys. to practice in any court of the State. Any court of record, however, can suspend an attorney from practicing if he has been convicted of a felony, or if he has disobeyed the orders of the Court.

Supreme Court.

91. The Supreme Court consists of five judges, any three of whom form a quorum. For their election the

Judges. State is divided into five *districts, and one judge elected from each district. They are elected, however, by the votes of the whole State. Their term is six years, and the salary of each is four thousand dollars per year. The judges, each term, select one of their number Chief Justice, but no judge can

*The division of the State into districts for the election of Supreme Judges is as follows:

First District—The counties of Monroe, Owen, Clay, Parke, Morgan, Sullivan, Greene, Knox, Daviess, Martin, Dubois, Pike, Gibson, Posey, Vanderburgh, Warrick, Spencer, Perry, and Orange.

Second District—The counties of Ohio, Rush, Switzerland, Dearborn, Shelby, Brown, Lawrence, Crawford, Harrison, Floyd, Clark, Scott, Jefferson, Ripley, Decatur, Bartholomew, Jackson, Washington, and Jennings.

Third District—The counties of Tippecanoe, Johnson, White, Warren, Fountain, Montgomery, Clinton, Boone, Tipton, Hamilton, Marion, Vermillion, Putnam, Hendricks, and Vigo.

Fourth District—The counties of Allen, Whitley, Huntington, Wells, Adams, Grant, Blackford, Jay, Delaware, Randolph, Howard, Madison, Hancock, Henry, Wayne, Fayette, Union, and Franklin.

Fifth District—The counties of Lake, Benton, Porter, LaPorte, St. Joseph, Elkhart, Kosciusko, Marshall, Starke, Jasper, Newton, Pulaski, Fulton, Wabash, Miami, Cass, Carroll, Lagrange, Steuben, DeKalb, and Noble.

preside at two consecutive terms or until the other judges have presided each one term.

92. Two terms of court are held each year—one beginning on the fourth Monday in May, and the other
Terms. on the fourth Monday in November. Each term continues thirty days, and may be continued longer if the business requires it.

93. The Supreme Court has no original jurisdiction in ordinary cases. It is occupied in directing the
Jurisdiction. action of inferior courts, and deciding such questions as come before it on error or appeal from the lower courts. It is the highest court of the State, and its decisions are final except when United States law is involved. The arguments of the attorneys are written or printed, and are called briefs. The decisions of the court must also be made in writing.

Clerk of the Supreme Court.

94. The Clerk of the Supreme Court is elected by the voters of the State at the general elections for a
Election, etc. term of four years. He gives bond for ten thousand dollars. His fees are regulated by law.

95. He must keep his office open during business hours; preserve all records and books of the court;
Duties. administer oaths; attend all sessions of the court in person or by deputy; sign, seal and issue all processes of the court, and keep a complete record of all cases disposed of.

Sheriff of the Supreme Court.

96. The Sheriff is appointed by the Judges of the Supreme Court for a term of two years. He gives ^{Appointments,} _{etc.} bond for five thousand dollars. His pay is in fees.

97. He must attend court in person or by deputy ; execute all orders of the court ; preserve order in the ^{Duties.} court-room, and execute all processes issued by the Clerk of the Supreme Court. The County Sheriffs are his deputies, and in executing processes he generally sends them by mail to the sheriff of the county where they are to be served.

Reporter of the Supreme Court.

98. This officer is elected by the voters of the State ^{Election.} at the general elections for a term of four years.

99. It is his duty to collect and have printed the decisions of the Supreme Court. These must be ^{Duty.} printed and bound as specified by law. He delivers five hundred copies of these reports to the Secretary of State, and is allowed three dollars and fifty cents for each volume. He is also given the copy-right to the reports and can sell them to outside parties.

Attorney-General.

100. The Attorney-General is elected by the voters ^{Election.} _{Bond.} of the State for a term of two years. He gives bond for five thousand dollars.

101. His duties are as follows : (1) He prosecutes or defends for the State all suits in which the State may be a party. (2) He has charge of all criminal cases in the Supreme Court. (3) If other officers, whose duty it is to collect fines, licenses, etc., fail to collect this money, he institutes proceedings to compel the collection. (4) If railroad companies fail to deliver a list of their property to the proper officers, he brings suit against the companies. (5) He must give to any of the State officers, when requested, his opinion as to the legality of any laws or acts which effect their department, and to the General Assembly his opinion on the constitutionality of any existing or proposed law. (6) On the first day of November he makes annual reports to the Secretary of State of the fines assessed and forfeitures entered in the State during the year. These are ascertained by reports sent to him by clerks of the Circuit Courts at the close of each term.

102. The salary of the Attorney-General is twenty-
Compensa-
tion. five hundred dollars per year and compensation on fines, etc., collected.

QUESTIONS.

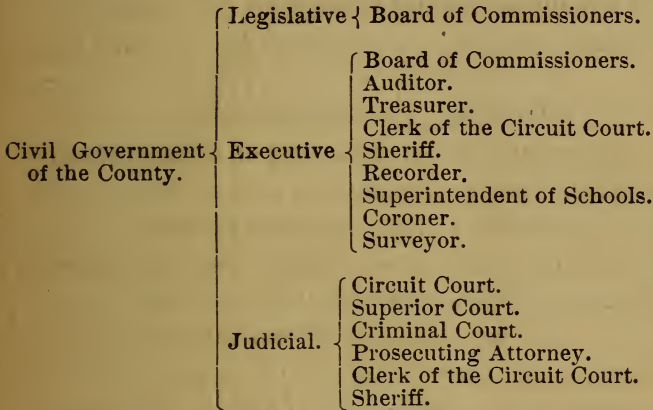
1. Name the courts of the State.
2. What is meant by jurisdiction ; original jurisdiction ; appellate jurisdiction ; exclusive jurisdiction ?
3. What is said of attorneys ?

4. Of how many judges does the Supreme Court consist?
5. How are they elected?
6. In which district do you live?
7. Name the Judges of the Supreme Court.
8. How long do they serve?
9. How often and when does the Supreme Court meet?
10. What is said of its jurisdiction?
11. How is the Clerk of the Supreme Court elected?
12. What are his duties?
13. Who is Clerk of the Supreme Court?
14. What is said of the Sheriff of the Supreme Court?
15. Tell of the election of the Reporter of the Supreme Court.
16. What is his duty?
17. Who is Reporter of the Supreme Court?
18. How and for how long is the Attorney-General elected?
19. What are his duties?
20. What is his salary?
21. Who is Attorney-General?

CHAPTER VII.

CIVIL GOVERNMENT OF THE COUNTY.

OUTLINE.



103. The State of Indiana is divided into ninety-two counties. These have the same officers and are Counties. governed by the same laws. The county-seat of a county is a town located generally as near the center of the county as is convenient. The circuit court of the county meets here; the court-house, jail and offices of the various county officers are located here. No new county can be formed unless a majority of the people of the counties from which it is to be organized are willing, nor can any county be reduced to less than four hundred square miles.

104. The county officers, with the exception of Superintendent of Schools, are elected by the people at

Election and qualifications of county officers. the general elections. In order to hold a county office a person must be a legal voter of the county, and must have been an inhabitant of the county for the year immediately preceding his election. The Auditor, Treasurer, Clerk, Sheriff and Recorder are ineligible for more than two consecutive terms.

LEGISLATIVE DEPARTMENT.

Board of Commissioners.

105. In a certain sense the Board of Commissioners is a legislative body. Under the acts of the General Legislative powers. Assembly it can legislate in certain directions, yet it can not make new laws. In some respects its powers and duties resemble those of the General Assembly. As the General Assembly provides for the benevolent institutions of the State, so the Board of Commissioners provides for the care of the poor of the county; as the General Assembly fixes the rate of the State taxes, so the Board of Commissioners fixes the rate of the county taxes; as the General Assembly makes appropriations from the State treasury, so the Board of Commissioners makes appropriations from the county treasury. Their duties, however, are principally of an executive character, and will be discussed under that head.

EXECUTIVE DEPARTMENT.

Board of Commissioners.

106. This board is composed of three persons elected by the voters of the county. The county is

Election, etc. divided into three districts, and one Commissioner is elected from each district. Any two of the Commissioners comprise a quorum, and in case of a vacancy, the other two Commissioners, with the Auditor, choose a person to fill the vacancy. They are elected for a term of three years, and it is so arranged that the term of one member expires each year.

107. The Commissioners meet in regular session four times each year:—on the first Monday of March, Sessions. June, September and December. The length of the sessions is limited by law, and is in proportion to the number of inhabitants in the county. The County Auditor can, however, call an extra session of the board at any time.

108. Among the many powers and duties of the Commissioners may be mentioned the following:—
Powers and duties. (1) They approve the bonds of the county officers, and fix the amount of the bond of the Clerk of the Circuit Court. (2) In case of vacancies in the offices of Justice of the Peace or Township Trustee, they appoint a person to fill the vacancy. (3) They examine all claims made against the county, and make allowance for the same. (4) They provide for the opening, discontinuance or change of the highways of the county. (5) They build and repair the bridges of the county. (6) In case the revenue obtained by taxation is not sufficient to pay the county indebtedness, they may issue bonds for the purpose. (7) They make

annual settlements with the County Treasurer. (8) They grant all liquor licenses. (9) They establish a county poor asylum, appoint a superintendent, who gives bond and makes reports, and inspect the asylum annually. (10) They may dismiss the County Superintendent for cause. (11) They appoint physicians to attend to the poor of the county. (12) They keep the county buildings in repair, and erect new ones when necessary. (13) They may sit as a judicial body, and try contest of election for county and township officers. (14) Together with four persons appointed by the Judge of the Circuit Court, they form the County Board of Equalization, whose duty is to equalize the assessment of the taxes among the townships in the same manner that the State Board of Equalization equalizes them among the counties.

109. The Commissioners receive three dollars and Compensation. fifty cents for each day's attendance at the meetings of the board.

County Auditor.

110. The Auditor is elected for a term of four
Election.
Bond. years. He gives bond for two thousand dollars.

111. (1) The Auditor is clerk of the Board of Commissioners, and keeps a record of all acts of the
Duties. board. (2) If a vacancy occurs in the office of Township Trustee when the Commissioners

are not in session, he fills the vacancy. (3) He makes out the tax duplicate and turns it over to the Treasurer for collection. (4) He issues orders on the Treasurer for all money to be drawn from the treasury. (5) He makes out and publishes the delinquent tax-list. (6) He records transfers of real estate. (7) He issues liquor and other licenses granted by the Board of Commissioners. (8) He furnishes poll-books and election-blanks for all precincts in the county. (9) He has charge of the school fund, and may loan it out on good security in sums not exceeding two thousand dollars. (10) He makes reports to the Superintendent of Public Instruction of the amount of school revenue collected. (11) He receives the reports of enumeration of the male inhabitants over twenty-one years of age, from the Township Trustee, and transmits these reports to the Auditor of State. (12) He makes all necessary reports to the Bureau of Statistics.

112. His pay is twelve hundred dollars per year
 Compensation. with the fees of the office.

County Treasurer.

113. The Treasurer is elected for a term of two years. Before entering upon the duties of his office, ^{Election.} _{Bond.} he must give a bond for twice the amount of money which will come into his hands, at any one time during his term. This bond must be signed by the Treasurer and not less than four responsible persons, in the presence of the Board of Commissioners.

114. The Treasurer has charge of the money belonging to the county. He receives all money due the county, and pays it out only on order of the Auditor.

Duties. He receives the tax duplicate from the Auditor and collects the taxes. He must give a receipt for all money paid to him. These receipts, with the exception of those for taxes, are taken to the Auditor who keeps the receipt and gives a quietus in its place. The Treasurer must keep his office open to the inspection of the Commissioners, and must exhibit the money in the office to them at least once each year. He must make a complete settlement with the board at its June meeting and an annual settlement with the Auditor on the first Monday in November of all taxes collected by him. On the fifteenth of May and the first of January of each year he pays over to the Treasurer of State the money due the State for taxes.

115. The Treasurer is allowed a salary of eight ^{Compensation.} hundred dollars per year. He is also allowed a per cent. of all taxes collected by him.

Clerk of the Circuit Court.

116. The Clerk is elected for a term of four years. ^{Election.} ^{Bond.} He must give bond for such amount as the Board of Commissioners may determine.

117. Among his duties are the following: (1) He keeps a record of the proceedings of the Circuit Court of his county. (2) He administers oaths to the juries,

Duties. bailiffs, and witnesses. (3) He issues all warrants for arrests and all death-warrants. (4) He files, records and certifies all indictments issued by the grand jury. (5) He issues subpœnas for witnesses. (6) He approves all bonds not otherwise provided for. (7) He issues marriage licenses and physicians' licenses. (8) He records all wills admitted to probate. (9) During the vacation of the Circuit Court he appoints administrators of estates. (10) Twenty days before each election he certifies to the Sheriff the officers to be elected. (11) He is clerk of the County Board of Canvassers.

118. The pay of this officer is in fees, varying <sup>Compensa-
tion.</sup> according to the amount of business transacted.

County Sheriff.

119. The Sheriff is elected for a term of two years. <sup>Election.
Bond.</sup> He gives bond for five thousand dollars.

120. His principal duties are as follows: (1) He attends all sessions of the Circuit Court and the meetings of the County Commissioners, and executes the orders of either. (2) Either in person or by deputy he serves all warrants, summons and subpœnas issued by the Clerk of the Circuit Court. (3) He takes to the State prison all persons sentenced to confinement therein by the court, and to the insane asylum those pronounced insane. (4) He executes, by hanging, criminals who have been sentenced to

death. (5) He has charge of the county jail and prisoners. (6) He is a peace officer, and can arrest a person at any time without a warrant. (7) He gives notice of election by publishing, fifteen days before the election, the certificate of the Clerk naming the officers to be elected.

121. His pay is almost entirely in fees. He is ^{Compensation.} allowed two dollars for each day's attendance on court.

County Recorder.

122. The Recorder is elected for a term of four ^{Election. Bond.} years. He gives bond for two thousand dollars.

123. It is his duty to record in books kept for the ^{Duties.} purpose, all deeds, mortgages, articles of incorporation, leases and other papers which it may be desirable to preserve. A deed is a written statement of the transfer of land from one person to another. ^{Deed. Mortgage.} A mortgage is a paper conveying certain property to another as security for a debt. A chattel mortgage is a mortgage on personal property. The Recorder is required to keep a full index of all deeds recorded, and is forbidden to use printed forms for the deeds. His compensation is entirely in fees.

County Superintendent of Schools.

124. On the first Monday in June of the odd numbered years, the Township Trustees of each county

meet and elect the County Superintendent of Schools for ^{Election.} _{Bond.} a term of two years. The County Auditor is clerk of the meeting, and in case of a tie has the deciding vote. The Superintendent gives bond for one thousand dollars.

125. The Superintendent has general supervision over the common schools of the county. He must ^{Duties.} visit each school in the county and attend each township institute at least once a year. He grants licenses to teachers on examination, and has power to revoke the license of a teacher for incompetency, immorality, or general neglect of the business of the school. In case of a dispute arising under the school laws of the State, the matter is first referred to him, but may be appealed to the Superintendent of Public Instruction. He forwards to the Superintendent of Public Instruction a report of the enumeration of school children filed in his office by the school trustees, and also reports such other school statistics as the Superintendent of Public Instruction may require. He may inspect the records of judicial officers, and if he finds that the officer has failed to pay over to the school fund the fines or other money due it, he may bring suit against the officer.

126. The County Superintendent is president of the County Board of Education, which is composed of ^{County Board of Education.} the Township Trustees and the presidents of the town and city school boards. This board meets semi-annually, on the first days of May and Septem-

ber, and considers matters pertaining to the schools, such as text-books, furniture, etc. The board is prohibited from changing text-books oftener than once in six years unless by a unanimous vote.

127. The Superintendent's salary is four dollars ^{Compensation.} for each day employed in the duties of his office.

County Coroner.

128. The Coroner is elected for a term of two ^{Election.} ^{Bond.} years. He is commissioned by the Governor and gives bond for five thousand dollars.

129. It is his duty to hold an inquest upon the dead body of any person supposed to have died by ^{Duties.} ^{Inquest.} violence or in any unnatural manner. He has power to summon witnesses for the inquest and to take their testimony concerning how the deceased met his death. If he thinks it necessary, he may have a physician hold a post-mortem examination. The Coroner makes a report in writing, describing the body and the valuables found upon it. This report with his verdict he delivers to the Clerk of the Circuit Court, and publishes in a newspaper.

130. In case of a vacancy in the office of County ^{Acts} ^{as Sheriff.} Sheriff, the Coroner discharges the duties of the office until a new Sheriff is chosen. If the Sheriff is interested in any particular case, the Coroner acts in his place. He may also issue warrants for the arrest of any one suspected of the murder of a person upon

whose body he has held an inquest. His compensation is in fees.

County Surveyor.

131. The Surveyor is elected for a term of two ^{Election.} years. He gives bond for one thousand ^{Bond.} dollars.

132. It is his duty to make surveys and establish corners and lines when called upon by any person ^{Duties.} owning land in the county. The survey is entered in a book kept for the purpose, and these records must be turned over to his successor. He is also empowered to take acknowledgments of deeds and mortgages, and to administer oaths.

133. His compensation is in fees, to be paid equally ^{Compensa-} by persons interested in the survey. ^{tion.}

REVIEW QUESTIONS.

1. How many counties are there in Indiana?
2. What is meant by the county seat?
3. Bound the county in which you live.
4. What is the county seat of your county?
5. How are the county officers elected?
6. What are the qualifications necessary to hold a county office?
7. What county officers are ineligible for more than two consecutive terms?
8. In what respects is the Board of Commissioners a legislative body?

9. Tell of the election, term, etc., of the County Commissioners.

10. Tell of the sessions of the County Commissioners.

11. What are some of the duties of the Commissioners?

12. Name the Commissioners of your county.

13. What is the salary of the Commissioners?

14. Tell of the Auditor's election and bond.

15. Name some of his principal duties.

16. What is his salary?

17. Who is Auditor of your county?

18. For how long is the Treasurer elected?

19. What bond is he required to give?

20. What are his principal duties?

21. What is his salary?

22. Who is Treasurer of your county?

23. For how long is the Clerk of the Circuit Court elected?

24. How is the amount of his bond determined?

25. Name some of his principal duties.

26. How is he paid?

27. Who is Clerk of the Circuit Court of your county?

28. Tell of the Sheriff's term and bond.

29. What are his principal duties?

30. What is said of his compensation?

31. Who is Sheriff of your county?

32. What are the Recorder's term and bond?

33. What is his principal duty?

34. What is a deed ; a mortgage ; a chattel mortgage?
35. Who is Recorder of your county?
36. How and for how long is the Superintendent of Schools elected?
37. What are his duties?
38. Tell of the county Board of Education.
39. What is the Superintendent's salary?
40. Who is Superintendent of Schools of this county?
41. Tell of the election and bond of the Coroner.
42. What is his principal duty?
43. When does the Coroner act as Sheriff?
44. Who is Coroner of your county?
45. Tell of the term and bond of the Surveyor.
46. What are his duties?
47. Who is Surveyor of your county?

CHAPTER VIII.

JUDICIAL DEPARTMENT.

Circuit Court.

134. The State is divided into forty-nine judicial circuits, and in each of these a Judge is elected for a term of six years. The Judge presides over the Circuit Courts of the several counties of his district. The salary of the Judges of the Circuit Courts is twenty-five hundred dollars per year.

135. The number and length of terms of the Circuit Court are fixed by the General Assembly, and Terms. vary according to the amount of business transacted. If the business of the court is not transacted at the regular term, the Judge may appoint a time for holding an adjourned term, when the business may be disposed of, and if the business is not completed at the close of the term preceding the summer vacation, the Judge must hold court during the vacation to dispose of the business.

136. The Circuit Court has original exclusive jurisdiction in all cases at law and in equity, in criminal Jurisdiction. cases and actions for divorce, except where concurrent or exclusive jurisdiction may be given to Justices of the Peace. It also has exclusive jurisdiction in the settlement of deceased persons' estates and guardianships, except in counties where Superior Courts have been established. It has appellate jurisdiction in all cases brought to trial in the courts of the Justices of the Peace.

137. A full record of each day's proceedings of the court must be kept by the Clerk of the Circuit Record. Court, and must be publicly read, and signed by the Judge. The Judge must also adopt rules for conducting the business of the Court, which must not be contrary to the laws of the State.

Superior Court.

138. These courts have been established in the more

populous counties of the State to assist the Circuit Court in disposing of its business. Superior Courts, with one Judge, have been established in Allen, Tippecanoe, Vanderburgh and Vigo counties, and with three Judges in Marion county. The Judges are elected by the people for a term of four years, and each receives a salary of three thousand dollars per year. The terms begin on the first day of each month, except July and August. The County Sheriff and Clerk of the Circuit Court perform the same duties in the Superior Court that they perform in the Circuit Court.

139. The Superior Court has original concurrent jurisdiction with the Circuit Court in all civil cases except slander, and jurisdiction concurrent with the Circuit Court in cases of appeal from lower courts.

Criminal Court.

140. This Court is established in certain counties of the State for the purpose of trying the criminal cases which would otherwise go to the Circuit Court. Criminal Courts are held only in Marion and Vigo counties. There is one Judge to each court, who is elected by the voters of the county for a term of four years.

141. The Criminal Court has original exclusive jurisdiction within the county, of all crimes and misdemeanors, except where the jurisdiction is

given to Justices of the Peace, and such appellate jurisdiction in criminal matters as ordinarily belong to the Circuit Court.

Prosecuting Attorney.

142. In each judicial district of the State a Prosecuting Attorney is elected for a term of two years. He gives bond for five thousand dollars.

143. This officer conducts for the State the prosecution of criminal cases in the Circuit and other courts

Duties. of his district, he brings suit against certain officers for neglect of their duties; he conducts suits for the recovery of money due the State, and acts as attorney for the counties of his district in all cases in which they may have a part. If he has been informed of the commission of a crime he may have any person, supposed to be acquainted with the facts, subpoenaed to testify regarding the case, and if the evidence is sufficient the court may order the arrest of the accused person. If a suit for divorce is undefended it is his duty to resist the granting of the decree. He also protects the interests of persons of unsound mind. At the meetings of the grand jury he appears before the body for the purpose of giving information on legal questions, and if necessary, may question the witnesses before the grand jury.

144. His pay is principally in fees, varying according to the nature of the case. He also receives from

^{Compensa-}
^{tion.} the State treasury an annual salary of five hundred dollars.

The Jury System.

145. At the last term of court in each calendar year, the Judge of the Circuit Court appoints two ^{Jury Com-}
^{missioners.} persons in each county as jury commissioners. These persons must be of opposite political parties, freeholders and voters of the county, and of good character. They must take oath to impartially discharge their duties. Immediately upon appointment the commissioners must make from the tax duplicate a list of twice as many persons as will be required to serve on the grand and petit juries for all the terms of court to be held during the following year. The persons selected must be freeholders or householders, legal voters, and must not be known to be interested in any suit to be tried during the year. The names are written on slips of paper and deposited in a box furnished for the purpose by the Clerk of the Circuit Court. The box is locked, delivered to the Clerk and the key retained by the jury commissioner who is of opposite politics to the Clerk.

146. Within one week of the opening of each term of court, in presence of the commissioners, the Clerk ^{Drawing of}
^{jurors.} draws from the box six of the slips of paper. The persons whose names appear on these slips are summoned as the grand jury for the term. At the same time the Clerk also draws twelve names from the

box to serve as petit jurors. If by repeated drawings the supply of names in the box should become exhausted the Judge orders the jury commissioners to select an additional number of names. No one, however, should be selected who has served as juror during the year preceding. If the officers can not impanel a jury in the regular order, jurors may be selected from the bystanders to complete the panel. To be a juror a person must be a legal voter and a freeholder or householder.

147. The Grand Jury is composed of six members. Whenever a person is selected to serve on this jury he Grand Jury. can be excused only on account of sickness in person or in his family, or because he is a ferryman or fireman in active service, a minister of the gospel, or is over sixty years of age. Should he fail to appear or to give one of the above causes for his absence, he may be punished for contempt of court.

148. The Grand Jury elects one of its members foreman, who has the power to administer oaths, Proceedings. and another clerk, who takes minutes of the proceedings of the body. The members are instructed by the Judge as to their duties. They must inquire into the cases of persons imprisoned in the county jail and under bail without an indictment, into misconduct of county officers, into the management of the county prisons and poor houses, and into the violation of the criminal laws of the State. The Prosecuting Attorney may be present to advise the jury

and to question witnesses, but no one is allowed to be in the room while the jury is taking a ballot. The jurors must take oath that they will keep secret all the proceedings of the body. The Grand Jury has power to cause summons to be issued for witnesses to testify in regard to the violation of the criminal laws of the State. If five of the jurors are satisfied that a person suspected of a crime is guilty, the jury brings
Indictment an indictment against him. The indictment is signed by the Prosecuting Attorney and indorsed "A true bill" by the foreman. The names of the witnesses are also indorsed upon the indictment.

149. The Petit Jury consists of twelve members, except in civil cases, when it may consist of any number agreed upon between three and twelve.
Petit Jury. It is the duty of this jury to try all cases brought before it and render a verdict in accordance with the testimony of the witnesses.

150. The manner of proceeding in a criminal trial is as follows: After an indictment has been found by
Criminal trial. the Grand Jury against a person, a warrant is issued for his arrest. For all offenses except murder, he may give bail, by which his bondsmen agree to forfeit a certain amount of money if the accused fails to appear for trial. He is then released until the day of the trial. When the case is brought up in court the indictment is read to the accused and he pleads either guilty or not guilty. If he pleads guilty there is no need of a trial, the judge merely sentencing the

prisoner, but if he pleads not guilty the trial proceeds. The Prosecuting Attorney appears for the State and if the defendant has no attorney he is furnished one by the court. Each party may challenge and have excused from the jury a certain number of the jurors varying according to the charge brought against the defendant. The evidence against and for accused is given and the judge charges the jury regarding the points of law in the case. The jury then retires in charge of a bailiff to consult concerning the verdict. It requires the unanimous vote of the jury to convict, and if there is a reasonable doubt of the guilt of the accused, he must be acquitted. If the jurors can not agree upon a verdict, the jury is discharged and the case must be tried by a new jury.

151. In a civil case the plaintiff or party beginning the action files a complaint against the defendant in Civil trial. the office of the Clerk of the Circuit Court, and a summons is issued notifying the defendant of the suit brought against him. If the defendant is not a resident of the State the Clerk may publish a notice of the complaint in a newspaper. The defendant files his answer to the complaint. At the time set for the trial the attorneys of the parties appear for their clients and the trial proceeds. The parties may by agreement submit the case to the Court instead of to a jury.

REVIEW QUESTIONS.

1. What counties compose the Judicial Circuit in which you live?

-
2. For how long are Judges of Circuit Courts elected?
 3. Who is Judge of the Circuit Court in this county?
 4. What is his salary?
 5. How are the number and length of terms decided?
 6. When does Court meet in this county?
 7. Tell what you can of the jurisdiction of Circuit Courts.
 8. What is said of records and rules?
 9. What are Superior Courts?
 10. In what counties have they been established?
 11. Tell what you can concerning the Judges.
 12. What is said of the jurisdiction of this Court?
 13. What are Criminal Courts?
 14. In what counties do they exist?
 15. What is said of the jurisdiction of this Court?
 16. Tell of the election, etc., of the Prosecuting Attorney.
 17. Mention some of his duties.
 18. How is he paid?
 19. Who is Prosecuting Attorney in this circuit?
 20. What are the duties of jury commissioners?
 21. Explain how jurors are drawn.
 22. Tell what you can concerning the Grand Jury.
 23. What is an indictment?
 24. What is the petit jury?
 25. What is a criminal trial; a civil trial?

26. Give an account of the procedure in a criminal trial.
27. Give an account of the procedure in a civil trial.

CHAPTER IX.

CIVIL GOVERNMENT OF THE TOWNSHIP.

OUTLINE.

Civil Government of the Township.	Executive	Legislative, Trustee.			
		<table> <tr> <td>Trustee.</td> </tr> <tr> <td>Assessor.</td> </tr> <tr> <td>Constables.</td> </tr> <tr> <td>Supervisors of Highways.</td> </tr> </table>	Trustee.	Assessor.	Constables.
	Trustee.				
Assessor.					
Constables.					
Supervisors of Highways.					
Judicial.	<table> <tr> <td>Justices of the Peace.</td> </tr> <tr> <td>Constables.</td> </tr> </table>	Justices of the Peace.	Constables.		
Justices of the Peace.					
Constables.					

152. As the State is divided into counties, so is each county divided into townships. These townships differ in size, and their boundaries are arranged as may be most convenient to the inhabitants. The Board of County Commissioners has the power to change the boundaries of the townships as it may see fit.

153. The distribution of power in the township remains the same as in the State and county, but it is Distribution of power. even less distinctly marked than in the county. There is little need of legislative power, and this is vested in the Trustee, who has also a number of executive duties.

LEGISLATIVE DEPARTMENT.

Township Trustee.

154. As a legislative officer the Trustee, with the advice and consent of the County Commissioners, levies the tax for township, road, and school purposes, and divides the township into road districts.

EXECUTIVE DEPARTMENT.

Township Trustee.

155. The Trustee is elected every two years at the regular township election, which is held on the first ^{Election.} _{Bond.} Monday in April of the even-numbered years. He is ineligible for more than two consecutive terms. He must give bond for twice the amount of money which may come into his hands at any time during his term.

156. (1) By virtue of his office the Trustee is overseer of the poor, inspector of election and fence-
^{Duties.} viewer. (2) He receives all money belonging to the township and pays it out again in a manner prescribed by law. (3) He approves the bonds and audits the reports of the Supervisors of Highways, and in case of a vacancy in the office of Supervisor of Highways, appoints a person to fill the vacancy. (4) He is a member of the County Board of Education and has a vote in the election of County Superintendent of Schools. (5) He has charge of the educational affairs of the township, employs the

teachers, establishes a sufficient number of schools for the education of the children, and provides houses, furniture, etc., for them. (6) He makes an annual settlement with the Board of County Commissioners making a complete report of receipts and expenditures of the township during the year. (7) He keeps the ballot-boxes used in the general and township elections, and supplies the election board with food. (8) He keeps a complete record of his official proceedings.

157. The pay of the Trustee is two dollars for each day's service to be paid from the township funds.

Compensation. For his services as overseer of the poor, he receives one dollar per day.

Township Assessor.

158. The Assessor is elected at the regular township election for a term of four years. He must give

Election Bond. bond for three thousand dollars, to be approved by the County Auditor.

159. On the first day of April of each year he receives from the County Auditor the assessment blanks

Duties. for his township. These blanks are delivered to every person owning personal property in the township, to be filled with the owner's valuation, under oath, of the property belonging to him. Every six years, beginning with the year 1886, the real estate of the township is assessed in the same manner. Before the first day of June the Assessor must deliver to the County Auditor an alphabetical list of the persons own-

ing personal property in the township, with the total value of taxables as returned by the owner. He also returns the statements received from the persons assessed. A list of the new improvements made on real estate during the year is returned at the same time.

160. The Assessor is allowed two dollars per day for not more than sixty days each year. He may, ^{Compensa-}_{tion.} also, appoint as many deputies as are necessary, who receive the same pay as the Assessor.

Constables.

161. A number of Constables equal to the number of Justices of the Peace is elected in each township. ^{Election.}_{Bond.} They hold office for two years, and give bond for one thousand dollars each.

162. The Constable is the executive officer of the Justice court. He serves all warrants, subpoenas and ^{Duties.} other papers handed to him by the Justice, preserves order during the progress of a trial and enforces the legal orders of the Justice. If an execution is issued against the property of a person he levies the execution and must make at least one effort to sell the property. It is his duty to arrest and take before the nearest Justice any person who may violate the law in his presence, and charge him under oath with the violation.

163. The compensation of Constables is made up ^{Compensa-}_{tion.} wholly of fees.

Supervisors of Highways.

164. At each township election one Supervisor is elected for each road district. They hold office for ^{Election.} _{Bond.} two years and give bond for two hundred dollars each.

165. The Supervisor carries into effect the orders of the Trustee concerning the roads and bridges of his ^{Duties.} district. For not less than two nor more than four days in each year he calls out the able-bodied male persons between twenty-one and sixty years of age to work on the roads of the district. Any person may instead of working pay one dollar and twenty-five cents per day as road tax. If any person refuses to work or to pay the tax he may be sued for the amount. The Supervisor makes a report of his proceedings to the Trustee.

166. The Supervisor is allowed one dollar and fifty ^{Compensation.} cents for each day's necessary service.

JUDICIAL DEPARTMENT.

Justices of the Peace.

167. The number of Justices for each township is fixed by the County Commissioners. It can not exceed two for each township, one additional ^{Number.} _{Term.} for each incorporated town, and two additional for each city. The term is four years and the bond is fixed by the Clerk of the Circuit Court.

168. In civil cases the jurisdiction of Justices is

limited to the township in which they live. They have Jurisdiction. exclusive original jurisdiction in cases where the amount sued for does not exceed one hundred dollars, and concurrent jurisdiction with the Circuit Court where it does not exceed two hundred dollars. In criminal cases they have exclusive original jurisdiction where the fine does not exceed three hundred dollars, and concurrent jurisdiction with the Circuit Court in all cases punishable by fine. They may assess a fine of not more than twenty-five dollars.

169. On the affidavit of a person charging another with the commission of a crime, the Justice issues a Warrant. warrant for the arrest of the person so Arrest. charged. This warrant is delivered to any Constable, who arrests the accused and brings him before the Justice for trial. If any serious crime, as murder, is committed when the grand jury is not in session, and there is danger of the offender escaping from justice, he may be brought before a Justice for a preliminary examination. The Justice may require him to give bail for his appearance at the next term of the Circuit Court, or he may commit him to jail without bail.

170. Each Justice is required to keep a record of all suits and charges brought before him in a book Docket. provided by the County Commissioners. This constitutes the official record of his court and is called the docket. The pay of Justices is wholly in fees.

REVIEW QUESTIONS.

1. How are the boundaries of townships arranged?
2. Make a list of the townships of your county.
3. What is said of the legislative power of townships?
4. Tell of the election, term, etc., of the Township Trustee.
5. Name some of the principal duties of the Township Trustee.
6. What is the pay of the Trustee?
7. Who is Trustee of your township?
8. Tell of the election, etc., of the Assessor.
9. What is meant by "assessing" property, and how is it done?
10. When, and how often, is real estate assessed?
11. What are the Assessor's duties?
12. Who is Assessor of your township?
13. What is the pay of Assessors?
14. How many Constables are there in each township; how many in your township?
15. What are the duties of Constables?
16. How do Constables get their pay?
17. Name the Constable of your township.
18. Tell of the election, etc., of Supervisors of Highways.
19. What are their duties?
20. Are Supervisors of Highways elected in cities and towns?

21. Who fix the number of Justices of the Peace?
22. How many Justices are there in your township?
23. How long do they hold office?
24. Tell about the jurisdiction of Justices.
25. What is an affidavit?
26. How is a person brought before a Justice?
27. Suppose a person commits murder when the grand jury is not in session, how can he be kept from escaping?
28. What is the docket, and by whom is it kept?
29. How are Justices paid?
30. Name the Justices of your township.

CHAPTER X.

CIVIL GOVERNMENT OF CITIES AND TOWNS.

171. When people collect in such numbers as to form cities and towns, a different form of government from the ordinary township government is needed. A number of matters which are not found in the township, require attention. The streets must be kept in better condition, and sidewalks must be built; policemen must be employed to preserve order; fire companies must be organized to prevent destructive fires; in the larger cities, street-railways, water-works, gas-works, etc., must be estab-

Necessity for
other forms
of govern-
ment.

lished and regulated by law. The General Assembly, therefore, has provided for the incorporation of cities and towns under a general law.

172. A town may be incorporated in the following manner: A map of the territory to be included in the town is made, and with the census of the town, is exhibited in a public place for at least twenty days. An application must then be made to the Board of County Commissioners for the incorporation of the town. This application must be signed by at least one-third of the legal voters. The Board then orders an election to be held on the question of incorporation, and if a majority vote in favor of the proposition, the Commissioners at their next meeting declare the town incorporated according to law.

173. Incorporated towns having a population of two thousand people or more may become cities by a vote of the legal voters of the town.

THE CITY.

174. In the city we find the powers of government distributed according to the following outline:

Legislative,	{	Common Council.
		Mayor.
Executive	{	Clerk.
		Treasurer.
		Marshal.
		Street Commissioner.
		Engineer.
		School Trustees.
Judicial	{	Mayor.
		City Judge.
		City Attorney.

175. The Councilmen, Mayor, Clerk, Treasurer, Marshal and Judge are elected by the qualified voters *City Election.* at the regular city election, which is held on the first Tuesday in May. The term of each of these officers is two years.

LEGISLATIVE DEPARTMENT.

*Common Council.**

176. For the election of Councilmen the city is divided into wards, and two councilmen are elected from *Wards.* each ward, one retiring each year. The Councilmen must be residents of the ward from which they are chosen.

177. The Council must hold regular meetings at least twice a month. A majority of the members *Meetings.* constitutes a quorum. The Mayor is the presiding officer, and in case of a tie in the Council has the casting vote.

178. The General Assembly has given to the Council the power to make laws on matters which concern *Ordinances.* the peace, health or safety of the residents of the city. These laws are called city ordinances, and the Council may provide, by fine or imprisonment, for the punishment of those who violate them.

* The law provides that the legislative bodies of cities incorporated under the general law and containing a voting population of fifteen thousand, may consist of two houses—the Common Council and the Board of Aldermen. All ordinances must be passed by both houses before becoming a law.

179. The Council has control of the finances and property of the city. It fixes the salaries of all the Other Powers. city officers. By a two-thirds vote it may expel a member, or may remove any city officer from office. It appoints those of the city officers who are not elected by the people. It levies taxes for city purposes, and, with the Clerk and Township Assessor, forms the City Board of Equalization. It may provide for the erection of water-works, the improvement of streets and alleys and other necessary works.

EXECUTIVE DEPARTMENT.

Mayor.

180. The Mayor is the chief executive officer of the city. It is his duty to see that the ordinances of Duties. the city are faithfully executed. He signs all commissions, licenses and permits granted by the Common Council; signs all orders drawn upon the Treasurer by the Clerk; has charge of the city seal, and has general supervision over the subordinate officers of the city.

City Clerk.

181. The Clerk has the custody of all books and papers belonging to the city. He attends the meet- Duties. ings of the Council and records the proceedings of that body. He countersigns and registers all licenses, permits, etc., of the Council. He draws and countersigns orders upon the Treasurer for money

drawn from the city treasury according to law. He keeps account in books furnished for the purpose, of all receipts and expenditures of the city government. He makes out a tax duplicate for the city similar to the one made by the County Auditor, and delivers it to the City Treasurer for collection.

City Treasurer.

182. The Treasurer keeps at his own risk all funds belonging to the city, and pays them out only on orders signed by the Mayor and countersigned by the Clerk. He collects all city taxes and may sell property upon which the taxes become delinquent in the same manner as the County Treasurer. On the last day of each month he furnishes to the Clerk a statement of the financial affairs of the city, and delivers all orders redeemed during the month. Before each annual election he makes a report of the receipts and expenditures for the preceding year and of the general condition of the treasury.

City Marshal.

183. The Marshal executes all processes and orders of the Mayor, the City Judge, or the Council. He arrests and commits to jail persons who commit crime, or who violate the city ordinances. He attends the City Court or Justice's Court where he has served the processes, and preserves order therein. He suppresses riots and breaches of the peace. He also

has the jurisdiction and authority of a Constable, and may receive a Constable's fees while so acting.

184. The Street Commissioner and City Engineer are appointed by the Council for a term of two years, but may be removed at any time. The <sup>Officers Ap-
pointed by the
Council.</sup> Street Commissioner superintends the repairs, lighting, etc., of the streets. The City Engineer makes plans and estimates of proposed public improvements when directed by the Council, and superintends the opening of the new streets. The Council also appoints, at its first meeting after the annual election, a Chief of the fire department, a Board of Health consisting of three members, and if they think necessary, a Sealer of weights and measures, and a number of Supervisors of streets to act under the direction of the Street Commissioner. At the first meeting in June of each year the Council elects a member of the Board of School Trustees for a term of three years.

JUDICIAL DEPARTMENT.

Mayor.

185. The Mayor is the chief judicial officer of the city. Acting as such, he must hold a city court every <sup>Mayor's
Court.</sup> day, except Sunday, and while sitting as such court he has exclusive jurisdiction in all prosecutions for violation of the city ordinances. He also has the jurisdiction and powers of a Justice of the Peace, and has the additional power of making imprisonment for

not more than thirty days a part of his sentence. He must keep a docket as Justices do, and in case of sickness or absence from the city of five days duration, the docket must be deposited with some Justice of the city.

City Judge.

186. In cities having a population of over six thousand inhabitants the Common Council may order ^{Election.}
_{Court.} a City Judge to be elected by the voters of the city, to serve for a term of four years. The Judge is commissioned by the Governor of the State, and has original concurrent jurisdiction with Justices of the Peace in civil matters.

City Attorney.

187. This officer is appointed by the Council for a term of two years. He is the legal adviser of the city ^{Duties, etc.} officers, and advises the Council upon matters in reference to the action of the Council. He prosecutes actions in favor of the city, and defends actions brought against the city. He receives a salary and fees.

The Town.

188. The form of government of incorporated towns is much the same as that of cities. The legislative power is vested in a Board of Trustees, varying in number from three to seven, who are elected for a term of two years. This body may make ordinances

for the government of the town, but its power is much more limited than that of the City Council. There is no Mayor, and the Board of Trustees elects its own presiding officer. A Clerk, Treasurer and Marshal are elected for a term of one year each, and their duties are similar to the city officers of the same name. The same person may hold the offices of Clerk and Treasurer. No provision is made for a judicial department, but persons violating the town ordinances may be prosecuted before any Justice of the Peace in the town. The regular town election is held on the first Monday in May.

REVIEW QUESTIONS.

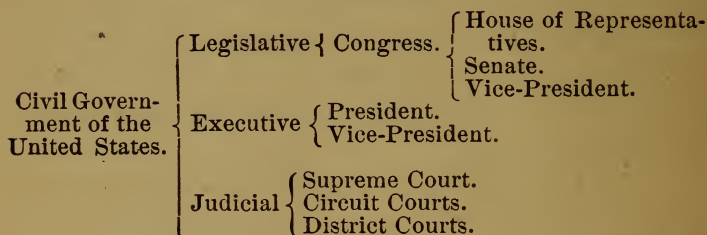
1. Why are city governments necessary?
2. How are towns incorporated?
3. State how a town may become a city.
4. Name the officers of each department of the city government.
5. When is the regular city election held?
6. What officers are elected by the people?
7. Tell what is said of the election of Councilmen.
8. What is said of Council meetings?
9. What do you mean by city ordinances?
10. Name some of the powers of the City Council.
11. What is said of the duties of the Mayor?
12. Tell of the duties of the Clerk.

-
13. Tell of the duties of the Treasurer.
 14. Tell of the duties of Marshal.
 15. Name the officers who are elected by the Council, and give the duties of each.
 16. What is said of the Mayor as a judicial officer?
 17. Tell what you can of the election and duties of the City Judge.
 18. By whom is the City Attorney elected?
 19. What are his duties?
 20. What is the legislative body of the incorporated towns called?
 21. How does the town differ from the city?
 22. Do you live in a city, or incorporated town?
 23. How many cities in your county; how many incorporated towns?
 24. If you live in a city or town, make a list of the persons now holding city offices.

PART III.

CIVIL GOVERNMENT OF THE UNITED STATES.

OUTLINE.



CHAPTER XI.

LEGISLATIVE DEPARTMENT.

189. All National legislative power is vested in
How vested. Congress, which consists of two houses—the
House of Representatives and the Senate.

House of Representatives.

190. The number of Representatives is determined
by Congress. They are apportioned among the sev-
Number. Ap-
portionment. eral States according to the number of in-
habitants, excluding Indians not taxed. Each State is
divided into congressional districts and one Repre-

representative is elected from each district. The number of Representatives can not exceed one for each thirty thousand people. The number in the present House of Representatives is three hundred and twenty-five, and the proportion of Representatives to inhabitants is one to each 154,325.

191. The Representatives are chosen by the voters of the States. Any person qualified to vote for a ^{How chosen.}_{Term.} member of the lower branch of the State Legislature may vote for Representative. The term is two years.

192. In order to be a Representative a person must be twenty-five years of age, must have been for seven ^{Qualifica-}_{tions.} years a citizen of the United States, and at the time he is elected must be an inhabitant of the State from which he is chosen.

193. The House chooses its own officers. The principal officer is the Speaker, who is chosen from ^{Officers.} the members. His duties are similar to those of the Speaker of the State House of Representatives. He presides over the meetings, and appoints the members of the various committees. Other important officers are the Clerk, Sergeant-at-Arms, Doorkeeper, and Chaplain. These officers are not members of the House.

194. In addition to the members elected from the States, one Delegate is chosen from each organized ^{Delegates.} Territory. He may engage in debate, but has no vote.

195. Two powers belong exclusively to the House. All bills for raising revenue must originate there, and ^{Special powers.} when any officer of the United States is impeached the articles of impeachment must be prepared by its members.

Senate.

196. The Senate is composed of two Senators from ^{Composition.} each State. They are elected by the State ^{Election.} Legislatures for a term of six years.

197. In order to be a Senator a person must be thirty years of age, must have been for nine years a ^{Qualifications.} citizen of the United States, and when elected, must be an inhabitant of the State from which he is chosen.

198. The presiding officer of the Senate is the Vice-President of the United States. He has no vote ^{officers.} unless the Senate is equally divided. The Senate committees are not appointed by the President of the Senate, but are made up by the Senators in caucus. The Senate elects one of its members President *pro tempore*, to serve during the absence of the Vice-President. It also has power to elect its other officers.

199. The Senate has the sole power of trying impeachments. When sitting for that purpose the ^{Impeachment.} Senators are under oath. A majority of two-thirds of the members present is necessary for conviction.

PROVISIONS COMMON TO BOTH HOUSES.

200. Congress meets every year, beginning on the first Monday in December. As the Representatives Meetings. are elected every two years, the two sessions following each election are called "A Congress." Extra sessions may be called by the President of the United States at any time.

201. Neither house can, without the consent of the other, adjourn for more than three days, nor to any Adjournment. other place than that in which the two houses shall be sitting.

202. Each house is the judge of the election returns, and qualifications of its own members. A Control of Members, etc. majority of each is a quorum to do business, and a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as each house may provide. Each house must keep and publish a journal of its proceedings.

203. Members of Congress are paid from the United States Treasury. The salaries of both Senators and Compensation. Representatives are at present five thousand dollars per year with mileage at the rate of twenty cents per mile. The Speaker of the House of Representatives and the President of the Senate each receive eight thousand dollars per year.

204. No Senator or Representative can, during the time for which he was elected, be appointed to any civil

Prohibitions. office under the authority of the United States which has been created or the compensation of which has been increased during such time ; nor can any one holding office under the United States become a member of either house during his continuance in office.

205. The manner of making laws in Congress is about the same as in the State Legislature. *Ev-Making Laws.* Every bill, in order to become a law, must pass both houses. It is then sent to the President, who has the same right to veto bills that the Governor has to veto the bills of the General Assembly. The President is given ten days to sign or veto each bill. If he vetoes it, a majority of two-thirds in each house is necessary to pass it over his veto. If he keeps the bill for more than ten days, Sundays excepted, it becomes a law without his signature.

POWERS OF CONGRESS.

Congress has power—

206. To lay and collect all taxes,* duties, imposts, and excises to pay the debts and provide for the common defense and general welfare of the United States ; but all duties, imposts and excises shall be uniform throughout the United States ;

* There are two classes of taxes—direct and indirect. Direct taxes are those which are levied directly upon property or persons. Indirect taxes include duties, imposts and excises. Duties are taxes laid on imported goods. Imposts are about the same as duties. Excises are duties laid upon goods manufactured and consumed in the same country.

-
207. To borrow money on the credit of the United States ;
Borrow Money.
208. To regulate commerce with foreign nations, and among the several States and with the Indian tribes ;
Regulate Commerce.
209. To establish a uniform rule of naturalization,* and uniform laws on the subject of bankruptcy in the United States ;
Naturalization. Bankruptcy.
210. To coin money ; to regulate the value thereof and of foreign coin ; and fix the standard of weights and measures ;
Money.
211. To provide for the punishment of counterfeiting the securities and current coin of the United States ;
Counterfeiting.
212. Post-offices. To establish post-offices and post-roads ;
213. To promote the progress of science and useful art, by securing for limited times to authors and inventors the exclusive right to their writings and discoveries ;†
Patents and Copyrights.

* Before becoming citizens of the United States foreign born inhabitants must be naturalized. Congress has provided for their naturalization as follows: The person must first make, under oath, before a court, a declaration that it is his intention to become a citizen of the United States. Not less than two years after his declaration of intention, and after he has lived five years in the United States and one year in the State in which he wishes to become naturalized, before a court he renounces his allegiance to all other governments and promises to support the Constitution of the United States. He then becomes a citizen.

† Patents are secured by sending to the Commissioner of Patents a description and model of the invention. If it is found that no similar article has been patented, a patent is issued. Patents are issued for seventeen years, and the cost is thirty-five dollars.

-
214. To establish inferior tribunals to the Supreme
Inferior
Courts. Court ;
215. To define and punish felonies committed on
Felonies on
the high seas. the high seas, and offenses against the laws
of nations ;
216. To declare war, grant letters of marque and
War. reprisal,* and make rules concerning cap-
tures on land and water ;
217. To raise and support armies ; but no appro-
Raise armies. priation of money to that use shall be for
a longer term than two years ;
218. Navy. To provide and maintain a navy ;
219. To make rules for the government and regu-
Rules for
Forces. lation of the land and naval forces ;
220. To provide for calling forth the militia to ex-
Calling forth
militia. ecute the laws of the Union, suppress in-
surrections and repel invasions ;
221. To provide for organizing, arming and dis-
Organizing
militia. ciplining the militia, and for governing such part of
it as may be employed in the service of the
United States, reserving to the States respectively
the appointment of the officers and the authority of
-

Copyrights are secured by sending to the Librarian of Congress two copies of the book or drawing. Copyrights are issued for twenty-eight years, and may be renewed for fourteen years longer.

* Letters of marque and reprisal are letters issued by the government to private persons, authorizing them to go beyond the borders of the country and capture the property of subjects of another nation. If the bearers of these letters are captured by the enemy they are treated as prisoners of war and not as pirates, as they would be considered if they did not have the letters of marque and reprisal.

training the militia according to the discipline prescribed by Congress ;

222. To exercise exclusive legislation in all cases whatsoever over such district,* (not exceeding ten ^{Seat of} miles square), as may, by cession of particular States and the acceptance of Congress, become the seat of government of the United States, and to exercise like authority over all places purchased, by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings ; and

223. To make all laws which shall be necessary and proper for carrying into execution the foregoing ^{Carrying laws} powers, and all other powers vested by the ^{into effect.} Constitution in the government of the United States, or any department or office thereof.

PROHIBITIONS UPON THE UNITED STATES.

224. The privileges of the writ of *habeas corpus* *Habeas Corpus* (see page 15,) shall not be suspended, unless, when in case of rebellion or invasion, the public safety may require it.

225. No bill of attainder† or *ex post facto* law ^{Bill of Attain-} shall be passed. ^{der. *Ex post*} ^{*facto* law.}

*This district is called the District of Columbia, and was originally ten miles square; it was ceded to the United States in 1790 by Maryland and Virginia. In 1846 the territory ceded by Virginia was given back, leaving the district with its present boundaries.

†A bill of attainder is a law inflicting death on a person, and declaring his property forfeited to the Government, when he has not been convicted before a court.

226. Direct taxes must be laid in proportion to the ^{Taxes, export, etc.} census. No taxes are to be laid on articles exported from any State. No preference is to be given in the matter of commerce to the ports of one State over another. A ship bound to one port is not obliged to pay the necessary entrance fees at any intermediate port.

227. The money in the treasury can be drawn out only when appropriated by Congress. This places the ^{Appropriations.} control of the national finances entirely in the hands of the legislative department. At every session of Congress appropriation bills are passed to pay the expenses of the government during the coming year.

228. No title of nobility can be granted by the United States; nor can anyone holding office, without ^{Title of Nobility.} the consent of Congress, accept any gift, title or office from a foreign sovereign or nation.

PROHIBITIONS UPON THE STATES.

229. A number of prohibitions are placed upon the States relating principally to the powers which are given to the general government. Among these are the following: No State shall enter into any treaty, alliance or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; that is, issue notes to be used as money; make anything but gold or silver a legal tender in payment of debts; pass any bill of attainder, *ex post facto* law or any law

which would release a person from his obligations ; or grant any title of nobility. The States are also prohibited from laying any duties on imports or exports, except a small tax to pay for the inspection of certain articles which are liable to be adulterated, and these laws must be subject to the revision and control of Congress. Neither can any State lay tonnage duties, that is duties on ships for the number of tons they carry, nor can they keep troops or ships of war in time of peace, enter into any agreement with the States or nations or engage in war except in case of rebellion or invasion.

REVIEW QUESTIONS.

1. In whom is all National legislative power vested?
2. Of what two houses does Congress consist?
3. How are Representatives apportioned?
4. What is the proportion of Representatives to inhabitants?
5. How many members in the House of Representatives?
6. Who is our Representative?
7. How and for how long are Representatives elected?
8. What are the qualifications for Representative?
9. What is said of the officers of the House?
10. Who is Speaker of the House at present?
11. What are delegates, and what rights have they?

12. What two special powers has the House?
13. How many Senators are there from each State?
14. How many members of the Senate are there?
15. How and for how long are Senators elected?
16. Who are the Senators from Indiana, and when do their terms expire?
17. What are the qualifications for United States Senator?
18. Who is the presiding officer of the Senate?
19. What is said of the Senate committees?
20. What power has the Senate regarding impeachment?
21. When and how often does Congress meet?
22. What is meant by "A Congress?"
23. What is the number of the present Congress?
24. What is said of adjournment?
25. What power has each house over its members?
26. What is the salary of members of Congress?
27. What is the salary of the Speaker of the House and the President of the Senate?
28. What prohibition is placed on the members regarding office-holding?
29. Explain how laws are made.
30. Give ten of the most important powers of Congress.
31. What are duties; imposts; excises; direct taxes?
32. How may a foreign born person become a citizen?

33. Tell how patents and copyrights are secured.
 34. What are letters of marque and reprisal?
 35. Give some of the prohibitions on the United States.
 36. What is a bill of attainder?
 37. What are some of the prohibitions placed upon the States?
-

CHAPTER XII.

EXECUTIVE DEPARTMENT.

President.

230. All National executive power is vested in the President of the United States. He, together with the Vice-President, is elected for a term of four years in the following manner:

231. In each State a number of electors, equal to the number of Representatives and Senators of the Electors. State in Congress, is appointed in such a manner as the Legislature may direct. The electors are now elected on a general ticket by direct vote of the people. In some States, however, they have been appointed by the Legislatures. The time for the selection of electors is fixed on the first Tuesday after the first Monday in November. No Senator or Representative or person holding an office of trust or profit under the United States can be an elector.

232. On the first Monday in December the electors chosen in each of the States meet at some place, generally the capital of the State, and proceed to vote by ballot for the President and Vice-President, one of whom must not be an inhabitant of their own State. Three lists of the vote are made and sealed; one is sent by a special messenger to the President of the Senate, to be delivered before the first Wednesday in January following; another is sent by mail to the President of the Senate, and a third is deposited with the Judge of the United States Court of the district in which the electors meet.

233. On the second Wednesday in February the two houses of Congress meet in joint session for the purpose of counting the votes. The President of the Senate presides and opens the lists of electoral votes in the presence of both houses. The votes are then counted by tellers appointed from both houses. The person receiving a majority of the votes for President is declared elected President, and the one receiving a majority of the votes for Vice-President is declared elected to that office.

234. If no one has received a majority of the votes of all the Electors appointed, the House of Representatives* proceeds at once to the election of a President. The election must be made from the three persons having the largest num-

Election of
President by
the House of
Representatives.

* Two Presidents have been elected by the House of Representatives: Thomas Jefferson in 1801 and John Quincy Adams in 1825.

ber of electoral votes. Two-thirds of the States must be represented ; each State has one vote, and the person elected must secure the votes of a majority of the States. If no person is elected President by the fourth day of March, the Vice-President becomes President.

235. If no one has received a majority of the electoral votes for Vice-President, the right of election goes to the Senate.* The selection must be made between the two persons having the highest number of votes. Two-thirds of the Senators must be present, and a majority of the whole number of Senators is necessary to a choice.

236. The present method of electing the President and Vice-President was adopted in 1804 as an amendment to the Constitution. By the original article, the Electors each voted for two persons for President, the one receiving the highest number of votes, providing he received a majority of all the votes, became President ; and the one receiving the next highest became Vice-President. If two persons received a majority and the same number of votes, the House of Representatives chose one of them President. If no one received a majority, from the five highest on the list, the House of Representatives chose the President. If after the choice of President there were two or more having equal num-

* But one Vice-President has been elected by the Senate: Richard M. Johnson in 1837.

bers of votes, the Senate chose one of them Vice-President.

237. When the electoral system was adopted it was intended that each elector should use his personal judgment in voting for the highest officer in the Nation, and that the office should be lifted above party strife. It has, however, become a mere farce. Each political party nominates its candidates for President and Vice-President, and the electors are chosen wholly with reference to these political parties. The result is known long before the meeting of the electoral college,* and the meeting of this body is nothing more than a form.

238. The President may be removed from office on conviction, by impeachment, of treason, bribery, or other high crimes and misdemeanors. Whenever the office becomes vacant by reason of the President's removal, death, resignation or inability to perform the duties of his office, the Constitution provides that the Vice-President shall succeed to the office. It also gives to Congress the power to say who shall act as President when the offices of President and Vice-President are both vacant. The succession was formerly given to the President *pro tempore* of the Senate and the Speaker of the House of Representatives, but a law passed in 1885 provides that the members of the President's Cabinet shall succeed to the

* The whole body of electors taken together is called the *electoral college*.

office in the following order: Secretary of State, Secretary of the Treasury, Secretary of War, Attorney-General, Postmaster-General, Secretary of the Navy, and Secretary of the Interior. The acting President serves only until the vacancy can be filled by the election of a new President. Electors must be chosen the same date and in the same manner as at a regular election, and two months' notice of the vacancy must be given to all the States.

239. Before entering upon the duties of his office the President must take the following oath: "I do Oath of office. solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the Constitution of the United States."

240. The Constitution provides that the salary of the President shall be fixed by Congress. It also provides that this salary shall be neither increased nor diminished during the time for which the President was elected. The salary of the President at present is fifty thousand dollars per year. He also has the use of the Executive Mansion, or White House.

241. In order to become President a person must be thirty-five years of age, a natural-born citizen of the United States, and must have been for fourteen years a resident within the United States. The Presidency and Vice-Presidency are the only offices within the gift of the American people which foreign-born citizens are prohibited from filling.

Powers and Duties of the President.

242. The President is Commander-in-Chief of the army and navy of the United States, and of the militia of the several States when called into the service of the United States. It is not the custom for the President to take the field himself. He appoints and removes officers, and directs the movements of the armies.

243. He has power to grant reprieves and pardons for offenses against the National Government, except ^{Reprieves} _{and Pardons.} in cases of impeachment. He can not grant pardons or reprieves for violation of State laws. This power is given only to the Governors of the States.

244. By and with the advice and consent of the Senate, the President has power to appoint Ministers,* Consuls,† Judges of the United States Courts, and all other officers of the United States whose appointment is not ^{Appointment.} otherwise provided for by the Constitution. Congress, however, has power to vest the appointment of such inferior offices as it thinks proper in the President alone, in the courts, or in the heads of departments. The President may nominate any person

* Ministers are officers sent by our government to each of the more important foreign nations for the purpose of transacting business between our government and the government at which they reside.

† Consuls are officers sent to foreign ports for the purpose of attending to such commercial transactions as the government may have at that port, and of protecting the rights of seamen and merchants.

whom he may choose for an office, but the Senate is not obliged to confirm his nominations. The nominations are sent to the Senate in writing, and are considered by that body in secret session.* If a nomination made by the President is rejected, he must nominate other persons for the position until one is found who is satisfactory to the Senate. If an office becomes vacant while Congress is not in session, the President may appoint a person to fill the vacancy. The commission of the person thus appointed expires at the close of the next session, and some time during the session the President nominates a person to fill the office permanently. The President can not remove an officer without the consent of the Senate. He can, however, during a recess of the Senate, suspend any officer appointed by him, except the Judges of the United States Court, until the end of the next session of Congress, and appoint another person in the place of the suspended officer.

245. The President has power, by and with the advice and consent of the Senate, providing that two-thirds of the members are present, to make Treaties. treaties with foreign nations. These treaties are generally arranged by ministers or ambassadors from this country acting under the direction of the President. They are then submitted to the Senate for its ratifica-

* When the Senate is in session for the purpose of considering nominations it is said to be in *executive session*.

tion or rejection. For the discussion of treaties the Senate meets in secret session.

246. The Constitution makes it the President's duty to give to Congress information of the state of Messages. the Union, and to recommend to their consideration such measures as he may judge necessary and expedient. It is therefore the practice for the President, at the beginning of each session of Congress, to send a message containing reports of each of the department officers, and such recommendations as he may think proper to make. He also sends such messages as may be necessary to either branch during the session of Congress.

247. On extraordinary occasions the President has power to convene either or both houses of Congress; Convention or Adjournment of Congress. and in case of a disagreement between the two houses regarding a time of adjournment, he may adjourn them to such a time as he may think proper.

248. The Constitution makes it the especial duty of the President to see that the laws are faithfully Execution of laws. executed. The executive business of the government is so great, and so varied in its character, that it is impossible for the President to attend to it personally. The business of the government is divided among seven departments. The heads of these departments constitute the President's Cabinet, or body of advisers, and are as follows: Secretary of State, Secretary of the Treasury, Secretary of War,

Secretary of the Navy, Postmaster-General, Attorney-General, and Secretary of the Interior. The President may require the written opinion of any member of the Cabinet, on any subject connected with his department, but the President is not obliged to follow the advice of the officer. The Cabinet is generally appointed by the President immediately after his inauguration, and is confirmed by the Senate in special session. The members of the Cabinet each receive a salary of eight thousand dollars per year.

249. The Department of State is generally considered the most important of the executive departments. Department of State. It has charge of all business of the United States with foreign nations. Through this department the President instructs the consuls and diplomatic agents of the nation. The Secretary of State receives all foreign ambassadors and presents them to the President. This department also has charge of the seal of the United States. This seal, together with the signature of the Secretary of State, is affixed to the proclamations of the President and other State papers. All laws and resolutions of Congress are filed in the State Department.

250. The Department of the Treasury has charge of the financial affairs of the nation. It collects all Department of the Treasury. customs and revenues, pays out all money from the treasury of the United States, coins money, has charge of the coast survey, provides for the erection of light houses, and superintends the exe-

cution of all laws which relate to commerce and navigation.

251. The Department of War has charge of the military affairs. It exercises control over the army of ^{Department} the United States, furnishes supplies and _{of War.} equipments for the troops, superintends their payment, has charge of the construction of arsenals, hospitals and armories, and has the care of the military academy at West Point. The signal service and system of weather reports are connected with this department.

252. The Department of the Navy has charge of the naval forces of the Nation. It attends to the ^{Department} building, purchase and repair of all gov- _{of the Navy.} ernment vessels, has control of navy-yards and dock-yards, and sees to the supplies and equipment of vessels and seamen. It also has the care of the naval academy at Annapolis.

253. The Postoffice Department has the care of all matters connected with the United States mail. It ^{Postoffice} _{Department.} establishes or discontinues postoffices, selects post routes, appoints all postmasters whose salaries are less than one thousand dollars per year, receives reports from all postmasters, and furnishes stamps, postal cards, etc.

254. The Department of Justice, of which the Attorney-General is the head, has charge of all legal ^{Department} _{of Justice.} affairs concerning the United States. The Attorney-General prosecutes all suits in the Supreme Court to which the United States are a party ; he gives

legal advice when requested to the President, or to the heads of the departments, on business connected with their departments; he has superintendence over United States District Attorneys and Marshals, and receives reports from them.

255. The Department of the Interior has charge of such domestic business as is not distributed among the other departments. It has charge of ^{Department of the Interior.} the public lands of the United States, distributes pensions, grants patents, exercises control over the Indian tribes, and superintends the taking of the United States census every ten years. The Bureau of Education is a part of this department.

Vice-President.

256. The Vice-President is not, properly speaking, an executive officer. His only duty is to preside over the Senate. The office was created merely to provide for the succession to the Presidency in case of a vacancy in that office. The qualifications necessary for Vice-President are the same as for President. His salary is fixed by Congress, and is at present eight thousand dollars per year.

REVIEW QUESTIONS.

1. In whom is all national executive power vested, and for how long is he elected?
2. What are electors; how many in each State; how many in Indiana?

3. How and when are the electors appointed?
4. When do the electors of each State meet?
5. Give an account of the proceedings of the electors.
6. When does Congress meet for the purpose of counting the votes?
7. Give an account of the proceedings of Congress on this occasion.
8. When and how does the House of Representatives elect the President?
9. Name the Presidents who have been elected by the House of Representatives.
10. When and how does the Senate elect the Vice-President?
11. What Vice-President was elected by the Senate?
12. How does the present method of electing the President and Vice-President differ from the original method?
13. What was the intention of the originators of the electoral system, and how is that now defeated?
14. How may the Presidency become vacant?
15. Who becomes President in case it is vacant?
16. Who succeed to the Presidency, and in what order if the offices of President and Vice-President are both vacant?
17. How long does the acting President serve?
18. What oath does the President take before entering on the duties of his office?

19. What is the salary of the President and how may it be changed?

20. What are the qualifications necessary for President?

21. What power has the President in connection with the army?

22. What is said of the President's power concerning reprieves and pardons?

23. What appointments does the President make?

24. What has the Senate to do with the President's appointments?

25. What are ministers? Consuls?

26. If an office becomes vacant during a recess of Congress, how is it filled?

27. Tell of the President's power concerning treaties.

28. What are Presidents' Messages? When are they sent, and what do they contain?

29. When may the President convene Congress? When may he adjourn it?

30. Among what departments is the executive business divided, and who are the heads of these departments?

31. What do you mean by the President's Cabinet, and what are its duties?

32. Name the members of the present Cabinet.

33. What is the salary of the Cabinet officers?

34. Of what class of business does the Department of State have charge? The Department of the Treas-

ury? The Department of War? The Department of the Navy? The Postoffice Department?

35. Name the duties of the Attorney-General.

36. Of what class of business does the Department of the Interior have charge?

37. What is said of the Vice-President, his duty, salary, etc.?

CHAPTER XIII.

JUDICIAL DEPARTMENT.

257. The Constitution vests all judicial power in the Supreme Court, and such inferior courts as Congress may from time to time establish. How vested. Two inferior courts, the Circuit Courts and the District Courts, have thus far been established.

258. The Supreme Court consists of a Chief Justice and eight Associate Justices. It meets annually, Supreme Court. in Washington, beginning on the second Monday in October.

259. The territory of the United States is divided into nine circuits,* and in each of these a Circuit Judge Circuit Court. is appointed. Each of the Supreme Judges is also assigned to a circuit, and must hold court in the circuit at least once in two years.

* The States composing the circuits are as follows:

First Circuit—Maine, New Hampshire, Massachusetts, and Rhode Island.

260. These circuits are divided into districts, in each of which is a District Judge. There are fifty-
District
Courts. eight District Courts in the United States, each State having at least one district. Besides the District Judges, there are also appointed for each district a District Attorney and a United States Marshal.

261. All United States Judges are appointed by the President with the advice and consent of the
United States
Judges. Senate. Their term of office is for life,* or during good behavior. They may be removed from office by conviction on impeachment of treason, bribery, and other high crimes and misdemeanors. Their salaries are fixed by Congress, but can not be diminished during their continuance in office. Their salaries at present are as follows: Chief Justice of the Supreme Court, \$10,500 per year; Associate Justices of the Supreme Court, \$10,000 per year; Circuit Judges, \$6,000 per year; District Judges, \$3,500 and \$4,000 per year.

Second Circuit—Connecticut, Vermont, and New York.

Third Circuit—New Jersey, Pennsylvania and Delaware.

Fourth Circuit—Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth Circuit—Georgia, Alabama, Florida, Mississippi, Louisiana, and Texas.

Sixth Circuit—Michigan, Ohio, Kentucky, and Tennessee.

Seventh Circuit—Indiana, Illinois, and Wisconsin.

Eighth Circuit—Missouri, Iowa, Minnesota, Arkansas, Kansas, Colorado, and Nebraska.

Ninth Circuit—California, Oregon, and Nevada.

* By act of Congress, when a Judge of any United States Court becomes seventy years of age, and has served at least ten years, he may retire from service and receive during life the same salary that was paid to him at the time of his retirement.

262. The United States Courts have jurisdiction over all cases in law or equity* arising under the Jurisdiction. Constitution, the laws† of the United States or treaties made by authority of the United States; all cases affecting ambassadors, other public ministers and consuls; all cases of admiralty‡ and maritime jurisdiction; all cases to which the United States shall be a party; and controversies between States, between citizens of different States, between citizens of the same State claiming lands under grants of different States, and between a State or its citizens and foreign States and their citizens or subjects.

263. The Supreme Court has original jurisdiction in all cases affecting ambassadors, other public ministers and consuls, and in all cases in which a State is a party. In all the other cases the Supreme Court has appellate jurisdiction, both as to law and fact, subject to the regulation of Congress.

264. In connection with this department the Constitution defines the crime of treason, and gives to
Treason. Congress the power to declare what its punishment shall be. Treason against the United States

*By cases in equity we mean cases to which the law in its strict sense can not be applied.

†Under this head comes such cases as counterfeiting, infringement of patents, violations of internal revenue laws, and robbery of U. S. mails.

‡By cases of admiralty we mean cases which arise on the sea, and not within the jurisdiction of any country. Under this head may come cases of piracy, of collision of vessels, or claims made upon vessels, or persons traveling on the sea.

consists only in levying war against the government, or adhering to its enemies, or giving aid or comfort to its enemies. Two witnesses to the same act, or confession in open court, are necessary to conviction. The punishment of treason as fixed by Congress is death or imprisonment for not less than five years, and a fine of not less than ten thousand dollars. This may be changed at any time by act of Congress. No punishment, however, can be imposed which will forfeit the condemned person's property, except during his life, or prevent him from transmitting it to his heirs.

265. Neither the United States nor any State can be sued. Congress has therefore established a Court Court of Claims. of Claims consisting of five judges, whose business it is to examine all claims brought against the United States. If the judges think the claim should be granted, they so report to Congress, and Congress generally makes an appropriation for the amount claimed. If, however, Congress refuses to make the appropriation, there is no other remedy.

REVIEW QUESTIONS.

1. In whom is the National judicial power vested?
2. Of whom does the Supreme Court consist?
3. Make a list of the members of the Supreme Court as it now exists.
4. How many Circuit Courts are there?
5. In which Circuit do we live?
6. Who is our Circuit Judge?

7. What Supreme Judge is assigned to our Circuit?
8. How many District Courts in the United States?
9. How many in Indiana?
10. Who is District Judge in this district?
11. How, and for how long, are United States Judges appointed?
12. How may they be removed from office?
13. What is said of their salaries?
14. Give their salaries as they now are.
15. Name the cases over which United States Courts have jurisdiction.
16. What are admiralty cases?
17. In what cases does the Supreme Court have original jurisdiction ; appellate jurisdiction?
18. In what does treason against the United States consist?
19. What proof is necessary to convict of treason?
20. What is the punishment for treason?
21. What punishment is prohibited?
22. What is the duty of the Court of Claims?

CHAPTER XIV.

MISCELLANEOUS PROVISIONS OF THE CONSTITUTION.

Relations of States and Territories.

266. Full faith and credit shall be given in each State to the public acts, records and judicial proceed-

Acts, Records, Etc., ings of every other State. That is, if a judicial decision has been made against a person in one State, it may be enforced in any other State in the Union. Congress has the power to prescribe the manner in which the acts, records or decisions may be proved.

267. The citizens of each State are entitled to all the privileges of the several States. The object of ^{Privileges of citizens.} this clause is to provide for an equality of citizenship in the States. No State can deny to citizens of other States the privileges which would belong to them were they citizens of the State.

268. A person charged with treason, felony, or other crime, who shall flee from justice, and be found ^{Fugitives from justice.} in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime. The officers of a State can not go beyond its boundaries to arrest a criminal. If the criminal is found in another State, the Governor of the State from which he has fled may make a requisition to the Governor of the State in which he is found, for the return of the criminal. The request is generally complied with, but if the Governor should refuse to return the person, there is no method of compelling him to do so.

269. New States may be admitted to the Union by Congress, but no new State can be formed within the ^{Admission of States.} jurisdiction of another State, nor can any

State be formed of two or more States or parts of States, without the consent of the Legislatures of the States concerned as well as Congress. There are two ways in which new States have been admitted to the Union. In some cases the people of a Territory have formed a constitution and then petitioned Congress for admission. In others Congress has taken the first step and passed an enabling act admitting the State as soon as it had adopted a satisfactory constitution. No certain number of inhabitants is necessary for admission. It has, however, been the practice not to admit a Territory as a State until it has at least a number of inhabitants equal to the number required for each Representative in Congress.

270. Congress has power to make all laws respecting the territory of the United States, and to dispose of it as it may seem fit. The organized Territories are under the complete control of Congress. The act of Congress providing for the organization of a Territory is much the same as a State Constitution, except that it is not adopted by the people. It provides for a Territorial Legislature to be chosen by the people, and for a Governor, Secretary, and judicial officers, to be appointed by the President. The citizens of the Territories, however, have no voice in the election of the President of the United States, and their delegates in Congress have no vote.

271. The United States shall guarantee to every State in the Union a republican form of government,

and shall protect them against invasion ; and
 Republican form of gov- on application of the Legislature or of the
 ernment. Governor, (when the Legislature cannot be convened)
 against domestic violence. As the States are prohib-
 ited from engaging in war, it is but right that the Na-
 tional Government should protect them from invasion ;
 and as it is necessary to the safety of the entire country
 that the people of the States should not be deprived of
 their political rights, it is self-protection which leads
 the National Government to quell insurrections and
 scenes of domestic violence.

272. The Constitution, all laws of the United States
 made in pursuance thereof, and all treaties made by
 Supreme law. the United States, are the supreme law of
 the land. Any State law, or any clause in a State
 Constitution, which is contrary to national law, is void,
 and must so be declared by the judges of the State
 courts.

273. The Senators and Representatives, all mem-
 bers of State Legislatures, and all executive and judi-
 Oath of office. cial officers both of the United States and of
 the States, must, before entering upon the duties of
 their offices, take oath or affirmation to support the
 Constitution of the United States ; but no religious
 test shall ever be required to hold any office or public
 trust under the United States.

Amendments.

274. Amendments to the Constitution may be pro-
 posed in two different ways, and ratified in two ways.

How made. They may be proposed by a two-thirds vote in both houses of Congress, or by a convention called by Congress, on the application of the Legislatures of two-thirds of the States. They may be ratified by the Legislatures of three-fourths of the States, or by conventions in three-fourths of the States, as Congress may choose. Any portion of the Constitution may be amended except that section which gives the States equal representation in the Senate.

275. Fifteen amendments to the Constitution have thus far been made. They have all been proposed by Congress and ratified by the State Legislatures. The first ten were adopted in 1791, just two years after the adoption of the Constitution, and are known as the National Bill of Rights. These amendments do not change any provision in the Constitution. They were added at the request of several of the State Conventions to give security against any possible misconstruction of the powers of the General Government. The State Bill of Rights, given on page 13, is in many respects modeled after them. The provisions of the amendments to the Constitution are as follows :

276. The first amendment prohibits Congress from making any law respecting an establishment of religion, or prohibiting its free exercise ; also from abridging the freedom of speech or of the press, or the right of the people to assemble peaceably and petition the government for a redress of grievances.

277. The second amendment secures to the people
Second amendment. the right to keep and bear arms.

278. The third amendment provides that no soldier shall, in time of peace, be quartered in any house
Third amendment. without the consent of the owner, and that in time of war the quartering of soldiers must be in a manner prescribed by law.

279. The fourth amendment relates to the right of
Fourth amendment. persons to be secure against unreasonable searches and seizures, and is identical with paragraph 19, on page 16.

280. The fifth amendment provides that no person shall be held to answer for a capital or otherwise infamous crime, unless on indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; that no person having once been acquitted shall be tried again for the same offense; that no person in a criminal case shall be compelled to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; and that private property shall not be taken for public use without just compensation.

281. The sixth amendment relates to the rights of the accused in criminal prosecutions. He shall have
Sixth amendment. the right to a speedy and public trial by an impartial jury, in the State and district in which the crime was committed, to be informed of the nature and cause of the accusation, to be confronted with the

witnesses against him, to have compulsory process for obtaining witnesses in his favor, and to have counsel for his defense.

282. The seventh amendment provides that in suits at common law, where the value in controversy exceeds ^{Seventh amendment.} twenty dollars, the right of trial by jury shall be preserved, and that no fact tried by a jury shall be otherwise re-examined, in a court of the United States, than according to the rules of common law.

283. The eighth amendment provides that excessive ^{Eighth amendment.} bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

284. The ninth amendment states that the enumeration of certain rights in the Constitution shall not be ^{Ninth amendment.} construed to deny or disparage others retained by the people. It was feared by some that because certain rights were mentioned in the Constitution, those which were not mentioned could be denied the people. Hence, this article was inserted in the Constitution.

285. The tenth amendment declares that all powers not delegated to the United States by the Constitution, nor prohibited by it to the States, ^{Tenth amendment.} are reserved to the States or to the people.

286. The eleventh amendment was adopted in 1798. It forbids any United States Court to entertain ^{Eleventh amendment.} a suit brought against a State by citizens of another State, or of a foreign State.

287. The twelfth amendment was adopted in 1804, and relates to the election of the President and Vice-
Twelfth amendment. President. It has been discussed in Chapter XII, on page 105.

288. The thirteenth amendment was adopted in 1865. It declares that neither slavery nor involuntary
Thirteenth amendment. servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. It gives to Congress the power to enforce the law by such legislation as may seem proper.

289. The fourteenth amendment was adopted in 1868. It consists of five sections. The first section
Fourteenth amendment. concerns the civil rights of the freedmen. The thirteenth amendment declares slavery to be abolished, but gives no rights to the negro. The fourteenth amendment says that all persons born or naturalized in the United States, and subject to their jurisdiction, are citizens of the United States and of the State in which they reside; and that no State shall make any law which shall abridge the privileges of citizens of the United States, nor deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of its laws. The second section provides that when the right to vote for National or State officers is denied to male persons twenty-one years of age and inhabitants of the State, the representation of the State shall be reduced in the proportion of those not per-

mitted to vote to the whole number of male inhabitants twenty-one years of age in the State. The third section prohibits those who, as Federal or State officers, took the oath to support the Constitution of the United States, and afterwards engaged in rebellion against the National Government, from holding certain Federal and State offices. Congress may, by a two-thirds vote, remove the disability. This has been done in the cases of almost all who engaged in the late rebellion. The fourth section declares the validity of the public debt, but forbids the United States, or any State, to assume or pay a debt incurred in rebellion, or to pay for the emancipation of slaves. The fifth section gives Congress the power to enforce the article by appropriate legislation.

290. The fifteenth amendment was adopted in 1870. It gives the negro an unqualified right to vote.

^{Fifteenth}
_{amendment.} Although the States have a right to fix the qualifications of voters, the right of citizens to vote shall not be abridged on account of race, color, or previous condition of servitude.

REVIEW QUESTIONS.

1. What provision is made in the Constitution concerning the acts, records and judicial proceedings of the States?
2. What is said of the privileges of citizens?
3. How may a fugitive from justice who has escaped into another State be re-captured?

4. What is said of the admission of new States to the Union?

5. How many inhabitants should a Territory have before becoming a State?

6. What power has Congress over the territory of the United States?

7. How are Territories governed?

8. What important political right is denied to citizens of Territories?

9. What must the United States guarantee to every State?

10. What is the supreme law of the land?

11. What officers must take an oath to support the Constitution of the United States?

12. How are amendments to the Constitution proposed? How ratified?

13. How many amendments have been made?

14. By what name are the first ten amendments known, and why?

15. What is said in the first amendment?

16. What right does the second amendment give the people?

17. What is said in the third amendment of the quartering of soldiers?

18. Of what does the fourth amendment treat?

19. What rights are given by the fifth amendment?

20. What rights does the sixth amendment give to persons charged with crime?

21. When may a person demand a jury on a trial of a civil case?

22. What does the eighth amendment say of bail, punishment, and fines?

23. What is meant by the ninth amendment?

24. To whom do all powers not delegated to the States by the Constitution belong?

25. When was the eleventh amendment adopted?

26. What does it prohibit?

27. When and how was the method of electing the President and Vice-President changed?

28. When was the thirteenth amendment adopted?

29. What does it declare concerning slavery?

30. What does the fourteenth amendment say concerning civil rights?

31. What is the remedy when the right to vote is denied to citizens of a State?

32. What is said of those who take oath to support the Constitution and afterward engage in rebellion?

33. What prohibition is made concerning debts incurred in rebellion or by the emancipation of slaves?

34. When was the fifteenth amendment adopted?

35. Give its provisions.

APPENDIX.

CONSTITUTION OF INDIANA.

PREAMBLE.

To the end that justice be established, public order maintained, and liberty perpetuated, we, the people of the State of Indiana, grateful to ALMIGHTY GOD for the free exercise of the right to choose our own form of government, do ordain this Constitution.

ARTICLE I.

BILL OF RIGHTS.

SECTION 1. We declare, That all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of a right ought to be, founded on their authority, and instituted for their peace, safety and well-being. For the advancement of these ends the people have, at all times, an indefeasible right to alter and reform their government.

SEC. 2. All men shall be secured in the natural right to worship Almighty God according to the dictates of their own consciences.

SEC. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No preference shall be given, by law, to any creed, religious society, or mode of worship; and no man shall be compelled to erect or support any place of worship, or to maintain any ministry against his consent.

SEC. 5. No religious test shall be required as a qualification for any office of trust or profit.

SEC. 6. No money shall be drawn from the treasury for the benefit of any religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness in consequence of his opinions on matters of religion.

SEC. 8. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

SEC. 9. No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible.

SEC. 10. In all prosecutions for libel the truth of the matters alleged to be libelous may be given in justification.

SEC. 11. The right of the people to secure in their persons, houses, papers and effects against unreasonable search or seizure shall not be violated; and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 12. All courts shall be open; and every man, for injury done him in his person, property or reputation, shall have remedy by due course of law. Justice shall be administered freely, and without purchase; completely, and without denial; speedily, and without delay.

SEC. 13. In all criminal prosecutions, the accused shall have the right to a public trial by an impartial jury, in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person in any criminal prosecution shall be compelled to testify against himself.

SEC. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishments shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.

SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases the right of trial by jury shall remain inviolate.

SEC. 21. No man's particular services shall be demanded without just compensation; no man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contracts, shall ever be passed.

SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended, except by the authority of the General Assembly.

SEC. 27. The privilege of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion; and then only if the public safety demands it.

SEC. 28. Treason against the State shall consist only in levying war against it, and giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his own confession in open court.

SEC. 30. No conviction shall work corruption of blood, or forfeiture of estate.

SEC. 31. No law shall restrain any of the inhabitants of the State from assembling together in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

SEC. 32. The people shall have a right to bear arms for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordination to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor, in time of war, but in a manner to be prescribed by law.

SEC. 35. The General Assembly shall not grant any title of nobility nor confer hereditary distinctions.

SEC. 36. Emigration from the State shall not be prohibited.

SEC. 37. There shall be neither slavery nor involuntary servitude within the State otherwise than for the punishment for crime whereof the party shall have been duly convicted. No indenture of any Negro or Mulatto, made and executed out of the bounds of the State, shall be valid within the State.

ARTICLE II.

SUFFRAGE AND ELECTION.

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections, not otherwise provided for in this Constitution, every white male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in

the State during the six months immediately preceding such election; and every white male of foreign birth, of the age of twenty-one years and upwards, who shall have resided in the United States one year, and shall have resided in this State during six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside.

SEC. 3. No soldier, seaman, or marine in the army or navy of the United States, or of their allies, shall be deemed to have a residence in this State in consequence of having been stationed within the same; nor shall any such soldier, seaman, or marine, have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence, either on business of this State or of the United States.

SEC. 5. No Negro or Mulatto shall have the right of suffrage.

SEC. 6. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward, to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of suffrage, and to render ineligible any person convicted of any infamous crime.

SEC. 9. No person holding a lucrative office or appointment, under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except in this Constitution expressly permitted. *Provided*, that offices in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative. *And provided*,

also, that counties containing less than one thousand polls, may confer the office of Clerk, Recorder, and Auditor, or any two of said offices, upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit, until he shall have accounted for, and paid over, according to law, all sums for which he may be liable.

SEC. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 12. In all cases except treason, felony, and breach of the peace, electors shall be free from arrest, in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot; and all the elections by the General Assembly, or either branch thereof, shall be *viva voce*.

SEC. 14. All general elections shall be held on the second Tuesday in October.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of the government are divided into three separate departments: the Legislative, the Executive, including the Administrative, and the Judicial; and no person charged with official duties under one of these departments, shall exercise any of the functions of another, except as in this Constitution expressly provided.

ARTICLE IV.

LEGISLATIVE.

SECTION 1. The Legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives. The style of every law shall be: "*Be it enacted by the General Assembly of the State of Indiana;*" and no law shall be enacted except by bill.

SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members, and they shall be chosen

by the electors of the respective counties or districts into which the State may, from time to time be divided.

SEC. 3. Senators shall be chosen for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided, however,* that the Senators elect, at the second meeting of the General Assembly under this Constitution shall be divided by lot into two equal classes, as nearly as may be; and the seats of the Senators of the first class shall be vacated at the expiration of two years, and those of the second class, at the expiration of four years, so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed, by lot, to one or the other of the two classes, as to keep them as nearly equal as practicable.

SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of the white male inhabitants over the age of twenty-one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of white male inhabitants, above twenty-one years of age each: *Provided,* That the first and second elections of the members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly, before the adoption of this Constitution.

SEC. 6. A Senatorial or Representative district, where more than one county shall constitute a district, shall be composed of contiguous counties, and no county for senatorial apportionment shall ever be divided.

SEC. 7. No person shall be a Senator or Representative, who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election, an inhabitant of the county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

SEC. 8. Senators and Representatives, in all cases except treason, felony, and breach of peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same, and shall not be subject to any civil process during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either house a member shall not be questioned in any other place.

SEC. 9. The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may at any time, by proclamation, call a special session.

SEC. 10. Each house, when assembled, chooses its own officers, (the President of the Senate excepted), judges the elections, qualifications and returns of its own members, determines its rules of proceeding, and sits upon its own adjournment.

SEC. 11. Two-thirds of each house shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the presence of absent members. A quorum being in attendance, if either house fail to effect an organization within the first five days thereafter, the members of the house so failing shall be entitled to no compensation from the end of the said five days until an organization shall have been effected.

SEC. 12. Each house shall keep a journal of its proceedings, and publish the same. The yeas and nays on any question shall at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: *Provided*, that on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 13. The doors of each house, and committees of the whole, shall be kept open except in such cases as in the opinion of either house may require secrecy.

SEC. 14. Either house may punish its members for disorderly

behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 15. Either house, during its session, may punish by imprisonment, any person not a member who shall have been guilty of disrespect to the house by disorderly or contemptuous behavior in its presence; but such imprisonment shall not at any time exceed twenty-four hours.

SEC. 16. Each house shall have all powers necessary for a branch of the Legislative department of a free and independent State.

SEC. 17. Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the House of Representatives.

SEC. 18. Every bill shall be read by sections, on three several days in each house; unless in case of emergency, two-thirds of the house where such bill may be pending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with, and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject, and matters properly connected therewith, which subject shall be expressed in the title. But if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and constables;

For the punishment of crime and misdemeanors;

Regulating the practice of courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

- Changing the names of persons;
- For laying out, opening and working on highways, and for the election or appointment of supervisors;
- Vacating roads, town plats, streets, alleys, and public squares;
- Summoning and empanneling grand and petit juries, and providing for their compensation;
- Regulating county and township business;
- Regulating the election of county and township officers, and their compensation;
- For the assessment and collection of taxes for State, county, township, and road purposes;
- Providing for supporting common schools, and for the preservation of school funds;
- In relation to fees and salaries;
- In relation to interest on money;
- Providing for opening and conducting elections of State, county, or township officers, and designating the places of voting;
- Providing for the sale of real estate belonging to minors or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 23. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 24. Provisions may be made by general law for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State shall ever be passed.

SEC. 25. A majority of all the members elected to each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed, shall be signed by the presiding officers of the respective houses.

SEC. 26. Any member of either house shall have the right to protest, and have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until the same shall have been published and circulated in the several counties of the State by authority, except in case of emergency, which emergency shall be declared in the preamble, or in the body of the law.

SEC. 29. The members of the General Assembly shall receive for their services a compensation to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

SEC. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly; nor shall he be appointed to any civil office of profit which shall have been created, or the emoluments of which shall have been increased during such term; but this latter provision shall not be construed to apply to any office elective by the people.

ARTICLE V.

EXECUTIVE.

SECTION 1. The executive power of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

SEC. 2. There shall be a Lieutenant-Governor, who shall hold office during four years.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the times and places for choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant-Governor the electors shall designate for whom they vote as Governor and for whom as Lieutenant-Governor. The returns of every election for Governor and Lieutenant-Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the

House of Representatives, who shall open and publish them in the presence of both houses of the General Assembly.

SEC. 5. The persons respectively having the highest number of votes for Governor and Lieutenant-Governor shall be elected, but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall by joint vote, forthwith proceed to elect one of the said persons Governor, or Lieutenant-Governor, as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant-Governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

SEC. 7. No person shall be eligible to the office of Governor or Lieutenant-Governor who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices who shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the United States, or of this State, shall fill the office of Governor or Lieutenant-Governor.

SEC. 9. The official term of the Governor and Lieutenant-Governor shall commence on the second Monday in January, in the year one thousand eight hundred and fifty-three, and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his death, resignation, or inability to discharge the duties of his office, the same shall devolve upon the Lieutenant-Governor, and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability, both of the Governor and Lieutenant-Governor, declaring what officer shall act as Governor; and such officer shall act accordingly, until the disability be removed or a Governor shall be elected.

SEC. 11. Whenever the Lieutenant-Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

SEC. 12. The Governor shall be Commander-in-Chief of the militia and naval forces, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion.

SEC. 13. He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 14. Every bill which shall have passed the General Assembly, shall be presented to the Governor; if he approve, he will sign it; but if not, he will return it, with his objections, to the house in which it originated; which house shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that house shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of all the members elected to that house, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor within five days next after such adjournment shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

SEC. 15. The Governor shall transact all necessary business with the officers of the government, and may require information, in writing, from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall take care that the laws shall be faithfully executed.

SEC. 17. He shall have the power to grant reprieves, commutations and pardons after conviction, for all offenses, except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction of treason, he shall have power to suspend the execution of the sentence until the case shall be

reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly at its next meeting each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: *Provided, however,* That the General Assembly may, by law, constitute a council, to be composed of the officers of State, without whose advice and consent the Governor shall not have power to grant pardons in any case, except such as may be by law left to his sole power.

SEC. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly; or when at any time a vacancy shall have occurred in any other State office, or in the office of judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

SEC. 20. Should the seat of government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

SEC. 21. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate, have a right, when in committee of the whole, to join in debate, and to vote on all subjects; and whenever the Senate shall be equally divided he shall give the casting vote.

SEC. 22. The Governor shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the term for which he shall have been elected.

SEC. 23. The Lieutenant-Governor, while he acts as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of Representatives, and any person acting as Governor, shall receive the compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant-Governor shall be eligible to any other office, during the term for which he shall have been elected.

ARTICLE VI.

ADMINISTRATIVE.

SECTION 1. There shall be elected, by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall, severally, hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

SEC. 2. There shall be elected, in each county, by the voters thereof, at the time of holding the general election, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner, and Surveyor. The Clerk, Auditor, and Recorder shall continue in office four years; and no person shall be eligible to the office of Clerk, Auditor, or Recorder, more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner, and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary, shall be elected, or appointed, in such manner as may be prescribed by law.

SEC. 4. No person shall be elected, or appointed, as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

SEC. 5. The Governor, and the Secretary, Auditor, and Treasurer of State, shall, severally, reside and keep the public records, books, and papers, in any manner relating to their respective offices, at the seat of government.

SEC. 6. All county, township and town officers, shall reside within their respective counties, townships and towns, and shall

keep their respective offices at such places therein, and perform such duties, as may be directed by law.

SEC. 7. All State officers shall, for crime, incapacity or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

SEC. 8. All State, county, township and town officers, may be impeached, or removed from office, in such manner as may be prescribed by law.

SEC. 9. Vacancies in county, township and town offices, shall be filled in such manner as may be prescribed by law.

SEC. 10. The General Assembly may confer upon the Boards doing county business in the several counties, powers of local, administrative character.

ARTICLE VII.

JUDICIAL.

SECTION 1. The Judicial Power of the State shall be vested in a Supreme Court, Circuit Courts, and in such inferior Courts as the General Assembly may establish.

SEC. 2. The Supreme Court shall consist of not less than three nor more than five Judges, a majority of whom shall form a quorum. They shall hold their office for five years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court; and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judges shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction co-extensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be prescribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decisions of every case, give a statement in writing of each question arising in the records of such case, and the decision of the Court thereon.

SEC. 6. The General Assembly shall provide, by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution; but no Judge shall be allowed to report such decision.

SEC. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office for four years, and whose duties shall be prescribed by law.

SEC. 8. The Circuit Courts shall each consist of one Judge, and shall have such civil and criminal prosecution as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a Judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide, by law, that the Judge of one Circuit may hold the Courts of another circuit, in cases of necessity or convenience; and, in case of temporary inability of any Judge, from sickness or other cause, to hold the Courts in his circuit, provisions may be made by law, for holding such courts.

SEC. 11. There shall be elected in each judicial circuit, by the voters thereof, a Prosecuting Attorney, who shall hold his office for two years.

SEC. 12. Any Judge or Prosecuting Attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

SEC. 13. The Judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

SEC. 14. A competent number of Justices of the Peace shall be elected, by the voters in each township in the several counties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial office, shall, during the term for which he shall have been elected, be eligible to any office of trust or profit, under the State, other than a judicial one.

SEC. 17. The General Assembly may modify or abolish the grand jury system.

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties, unless they voluntarily submit their matters of difference, and agree to abide the judgment of such tribunal or court.

SEC. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three Commissioners, whose duty it shall be to revise, simplify and abridge the rules, practices, pleadings and forms of the courts of justice. And they shall provide for abolishing the distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said Commissioners to reduce into a systematic code the general statute law of the State; and said Commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to abridgment and amendment, as said Commissioners may deem necessary or proper. Provisions shall be made, by law, for filling vacancies, regulating the tenure of office, and the compensation of said Commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.

ARTICLE VIII.

EDUCATION.

SECTION 1. Knowledge and learning, generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encour-

age, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide, by law, for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

SEC. 2. The Common School fund shall consist of the Congressional township fund, and the lands belonging thereto;

The Surplus Revenue fund;

The Saline fund and lands belonging thereto;

The Bank Tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of county seminaries, and the money and property heretofore held for such seminaries; from fines assessed for breaches of the penal laws of the State, and for all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

All lands that have been or may hereafter be granted to the State, where no special purpose is expressed in the grant, and the proceeds of the sale thereof, including the proceeds of the sales of the swamp lands granted to the State of Indiana by the act of Congress of the twenty-eighth of September, 1850, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations, that may be assessed for common school purposes.

SEC. 3. The principal of the common school fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of the Common Schools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School fund as not hereinbefore entrusted to the several counties; and shall make provision, by law, for the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest, for common school purposes, the same shall be re-invested for the benefit of such county.

SEC. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

SEC. 7. All trust funds, held by the State, shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be fixed by law.

ARTICLE IX.

STATE INSTITUTIONS.

SECTION 1. It shall be the duty of the General Assembly to provide, by law, for the support of institutions for the deaf and dumb, and of the blind; and also for the treatment of the insane.

SEC. 2. The General Assembly shall provide Houses of Refuge, for the correction and reformation of juvenile offenders.

SEC. 3. The county boards shall have power to provide farms, as an asylum for those persons who, by reason of age, infirmity or other misfortune, may have claims upon the sympathies and aid of society.

ARTICLE X.

FINANCE.

SECTION 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, religious or charitable purposes, as may be especially exempted by law.

SEC. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the treasury, derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest and bonds of the State, other than bank bonds, shall be

annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt.

SEC. 3. No money shall be drawn from the treasury, but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for the public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, or of any corporation whatever.

SEC. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stocks issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash and Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act, passed January 29, 1847, which, by provisions of said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates or stocks shall ever be paid by this State.

ARTICLE XI.

CORPORATIONS.

SECTION 1. The General Assembly shall not have power to establish or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills paya-

ble to order or bearer, except under the conditions prescribed in this Constitution.

SEC. 2. No banks shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning, by an officer of the State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required, which collateral security shall be under the control of the proper officer or officers of the State.

SEC. 4. The General Assembly may also charter a bank with branches, without collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

SEC. 6. The stockholders in every bank or banking company, shall be individually responsible, to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

SEC. 7. All bills or notes issued as money, shall be, at all times, redeemable in gold or silver; and no law shall be passed sanctioning, directly or indirectly, the suspension by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed, by law, to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the Trust Fund in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, to any person, association, or corporation; nor shall the State hereafter become a stockholder in a corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special act, but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by such individual liability of corporators, or other means, as may be prescribed by law.

ARTICLE XII.

MILITIA.

SECTION 1. The militia shall consist of all able-bodied white male persons, between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, officered, armed, equipped and trained in such a manner as may be provided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quartermaster and Commissary Generals.

SEC. 3 All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years,

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions, and companies, and fix the rank of staff officers.

SEC. 5. The militia shall be divided into classes of sedentary and active militia, in such manner as may be provided by law.

SEC. 6. No person conscientiously opposed to bearing arms, shall be compelled to do militia service; but such person shall pay an equivalent for exemption, the amount to be prescribed.

ARTICLE XIII.

NEGROES AND MULATTOES.

SECTION 1. No negroes or mulattoes shall come into or settle in the State, after the adoption of this Constitution.

SEC. 2. All contracts made with any negro or mulatto coming

into the State, contrary to the provisions of the foregoing section, shall be void; and any person who shall employ such negro or mulatto, or otherwise encourage him to remain in the State, shall be fined in any sum not less than ten dollars, nor more than five hundred dollars.

SEC. 3. All fines which may be collected for a violation of the provisions of this article, or of any law which may hereafter be passed for the purpose of carrying the same into execution, shall be set apart and appropriated for the colonization of such negroes and mulattoes, and their decedents, as may be in the State at the adoption of this Constitution, and may be willing to emigrate.

SEC. 4. The General Assembly shall pass laws to carry out the provisions of this article.

ARTICLE XIV.

BOUNDARIES.

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes would last touch the northwestern shore of said Wabash River; and thence by a due north line until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

SEC. 2. The State of Indiana shall possess jurisdiction and sovereignty co-extensive with the boundaries declared in the preceding section; and shall have concurrent jurisdiction in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River so far as said rivers form the common boundary between this State and the said States respectively.

ARTICLE XV.

MISCELLANEOUS.

SECTION 1. All officers whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as is now, or hereafter may be, prescribed by law.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may hereafter be passed, that any officer, other than a member of the General Assembly, shall hold an office for any given term, the same shall be construed to mean that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Constitution, shall, before entering on the duties thereof take an oath or affirmation to support the Constitution of this State and of the United States, and also an oath of office.

SEC. 5. There shall be a seal of State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

SEC. 6. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed with the State seal, and attested by the Secretary of State.

SEC. 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county, under that area, be further reduced.

SEC. 8. No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

SEC. 9. The following grounds, owned by the State in Indianapolis, namely, the State-House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven as lies north of the arm of the Central canal, shall not be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to pro-

vide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution, may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals and referred to the General Assembly to be chosen at the next general election; and if in the General Assembly so next chosen such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State; and if a majority of said electors shall ratify the same, such amendment, or amendments, shall become a part of this Constitution.

SEC. 2. If two or more amendments shall be submitted at the same time they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while such an amendment or amendments which shall have been agreed upon by one General Assembly, shall be waiting the action of a succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

SCHEDULE.

This Constitution, if adopted, shall take effect on the first day of November in the year one thousand eight hundred and fifty-one, and shall supersede the Constitution adopted in the year one thousand eight hundred and sixteen. That no inconvenience may arise from the change in the government, it is hereby ordained as follows:

First. All laws now in force, and not inconsistent with this Constitution, shall remain in force until they shall expire or be repealed.

Second. All indictments, prosecutions, suits, pleas, complaints and other proceedings pending in any of the courts, shall be prose-

cuted to final judgment and execution; and all appeals, writs of error, certiorari and injunctions, shall be carried on in the several courts in the same manner as is now provided by law.

Third. All fines, penalties and forfeitures, due or accruing to the State, or to any county therein, shall inure to the State, or to such county, in the manner prescribed by law. All bonds executed to the State, or to any officer in his official capacity, shall remain in force, and inure to the use of those concerned.

Fourth. All acts of incorporation for municipal purposes shall continue in force under this Constitution until such time as the General Assembly shall, in its discretion, modify or repeal the same.

Fifth. The Governor, at the expiration of the present official term, shall continue to act until his successor shall have been sworn into office.

Sixth. There shall be a session of the General Assembly commencing on the first Monday in December in the year one thousand eight hundred and fifty-one.

Seventh. Senators now in office and holding over, under the existing Constitution, and such as may be elected at the next general election, and the Representatives then elected shall continue in office until the first general election under this Constitution.

Eighth. The first general election under this Constitution shall be held in the year one thousand eight hundred and fifty-two.

Ninth. The first election for Governor, Lieutenant-Governor, Judges of the Supreme Court and Circuit Courts, Clerk of the Supreme Court, Prosecuting Attorney, Secretary, Auditor, and Treasurer of State, and State Superintendent of Public Instruction, under this Constitution, shall be held at the general election in the year one thousand eight hundred and fifty-two; and such of said officers as may be in office when this Constitution shall go into effect, shall continue in their respective offices until their successors shall have been elected and qualified.

Tenth. Every person elected by popular vote, and now in any office which is continued by this Constitution, and every person who shall be so elected to any such office before the taking effect of this Constitution (except as in this Constitution otherwise pro-

vided), shall continue in office until the term for which such person has been or may be elected, shall expire: *Provided*, That no such person shall continue in office after the taking effect of this Constitution for a longer period than the term of such office in this Constitution prescribed.

Eleventh. On the taking effect of this Constitution all officers thereby continued in office, shall, before proceeding in the further discharge of their duties, take an oath or affirmation to support this Constitution.

Twelfth. All vacancies that may occur in existing offices prior to the first general election under this Constitution, shall be filled in the manner now prescribed by law.

Thirteenth. At the time of submitting this Constitution to the electors for their approval or disapproval, the Article numbered thirteen, in relation to negroes and mulattoes, shall be submitted as a distinct proposition in the following form: "Exclusion and Colonization of Negroes and Mulattoes;" "Aye" or "No." And if a majority of the votes cast shall be in favor of said Article, then the same shall form a part of this Constitution; otherwise it shall be void, and form no part thereof.

Fourteenth. No Article or section of this Constitution shall be submitted as a distinct proposition to a vote of the electors otherwise than as herein provided.

Fifteenth. Whenever a portion of the citizens of the counties of Posey and Spencer shall deem it expedient to form of the contiguous territory to said counties a new county, it shall be the duty of those interested in the organization of such new county to lay off the same by proper metes and bounds, of equal portions as nearly as practicable, not to exceed one-third of the territory of each of said counties. The proposal to create such new county shall be submitted to the voters of said counties at a general election in such manner as shall be prescribed by law. And if a majority of all the votes given at said election shall be in favor of the organization of said new county, it shall be the duty of the General Assembly to organize the same out of the territory thus designated.

Sixteenth. The General Assembly may alter or amend the charter of Clarksville, and make such regulations as may be necessary

for carrying into effect the objects contemplated in granting the same; and the funds belonging to said town shall be applied according to the intention of the grantor.

Done in convention at Indianapolis, the 10th day of February, in the year of our Lord one thousand eight hundred and fifty-one, and of the Independence of the United States the seventy-fifth.

GEORGE WHITFIELD CARR, *President.*

Attest:

WM. H. ENGLISH, *Principal Secretary.*

GEORGE L. SITES,
HERMAN G. BARKWELL, } *Assistant Secretaries.*
ROBERT M. EVANS, }

CONSTITUTION

OF THE

UNITED STATES OF AMERICA.

We, the people of the United States, in order to form a more perfect Union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America :

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

SEC. 2. The House of Representatives shall be composed of members chosen every second year by the people of the several States; and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature.

No person shall be a Representative who shall not have attained to the age of twenty-five years, and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Con-

gress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three, Massachusetts eight, Rhode Island and Providence Plantations one, Connecticut five, New York six, New Jersey four, Pennsylvania eight, Delaware one, Maryland six, Virginia ten, North Carolina five, South Carolina five, and Georgia three.

When vacancies happen in the representation from any State, the Executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall choose their Speaker and other officers; and shall have the sole power of impeachment.

SEC. 3. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year; and if vacancies happen by resignation or otherwise, during the recess of the Legislature of any State, the Executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of thirty years, and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

The Vice-President of the United States shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President *pro tempore*, in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. 4. The times, places and manner of holding elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may, at any time, by law, make or alter such regulations, except as the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in December, unless they shall by law appoint a different day.

SEC. 5. Each house shall be the judge of the elections, returns, and qualifications of its own members, and a majority of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may, in their judgment, require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the journal.

Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

SEC. 6. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law and paid out

of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time, and no person holding any office under the United States shall be a member of either house during his continuation in office.

SEC. 7. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it becomes a law, be presented to the President of the United States: If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered, and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress, by their adjournment, prevent its return, in which case it shall not be a law.

Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall

be approved by him; or, being disapproved by him, shall be re-passed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. 8. The Congress shall have power—

To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States;

To regulate commerce with foreign nations, and among the several States, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies throughout the United States;

To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the United States;

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the Supreme Court;

To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies, but no appropriation of money to that use shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions;

To provide for organizing, arming, and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively

the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of *habeas corpus* shall not be suspended, unless when, in cases of rebellion or invasion, the public safety may require it.

No bill of attainder or *ex post facto* law shall be passed.

No capitation, or other direct tax shall be laid, unless in proportion to the census or enumeration hereinbefore directed to be taken.

No tax or duty shall be laid on articles exported from any State.

No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State, be obliged to enter, clear, or pay duties in another.

No money shall be drawn from the treasury but in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall,

without the consent of Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SEC. 10. No State shall enter into any treaty, alliance, or confederation; grant letters of marque or reprisal; coin money, emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

SECTION 1. The Executive Power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors equal to the number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[The electors shall meet in their respective States, and vote by ballot for two persons—of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each;

which list they shall sign and certify, and transmit, sealed, to the seat of the Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall, in like manner, choose the President. But, in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.*]

The Congress may determine the time of choosing the electors, and the day on which they shall give their votes; which day shall be the same throughout the United States.

No person, except a natural born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may, by law, provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall act as President; and such

*This clause has been repealed and annulled by the 12th amendment.

officer shall act accordingly until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected; and he shall not receive within that period any other emolument from the United States, or any of them.

Before he enter on the execution of his office, he shall take the following oath or affirmation :

“I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States.”

SEC. 2. The President shall be Commander-in-Chief of the Army and Navy of the United States, and of the militia of the several States when called into the actual service of the United States; he may require the opinion, in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

He shall have the power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senate present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint Embassadors, other public Ministers and Consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law, but the Congress may, by law, vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions, which shall expire at the end of their next session.

SEC. 3. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either

of them; and, in case of disagreement between them with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive Embassadors and other public Ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

SEC. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery or other high crimes and misdemeanors.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior Courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior Courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. 2. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; to all cases affecting Embassadors, other public Ministers, and Consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens, or subjects.

In all cases affecting Embassadors, other public Ministers and Consuls, and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed; but when not committed

within any State, the trial shall be at such place or places as the Congress may by law have directed.

SEC. 3. Treason against the United States shall consist only in levying war against them, or adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted.

ARTICLE IV.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and the effect thereof.

SEC. 2. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall, on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

SEC. 3. New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the jurisdiction of any other State; nor any State be formed by the junction of two or more States or parts of States without the consent of the Legislatures of the States concerned, as well as of the Congress.

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property

belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or any particular State.

SEC. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature can not be convened), against domestic violence.

ARTICLE V.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress: *Provided*, That no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

ARTICLE VI.

All debts contracted and engagements entered into before the adoption of this Constitution, shall be as valid against the United States, under this Constitution, as under the Confederation.

This Constitution and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land; and the Judges in every State, shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States,

shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

ARTICLE VII.

The ratifications of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

DONE in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth.

In witness whereof, we have hereunto subscribed our names.

GEO. WASHINGTON,

President, and Deputy from Virginia.

New Hampshire.

JOHN LANGDON,

NICHOLAS GILMAN.

Massachusetts.

NATHANIEL GORMAN, RUFUS KING.

Connecticut.

WM. SAML. JOHNSON, ROGER SHERMAN.

New York.

ALEXANDER HAMILTON.

New Jersey.

WIL. LIVINGSTON,

DAVID BREARLEY,

WM. PATERSON,

JONA. DAYTON.

Pennsylvania.

B. FRANKLIN,

THOMAS MIFFLIN,

ROBT. MORRIS,

GEO. CLYMER,

THO. FITZSIMONS,

JARED INGERSOLL,

JAMES WILSON,

GOUV. MORRIS.

Delaware.

GEO. READ,

GUNNING BEDFORD, Jun'r,

JOHN DICKINSON,

RICHARD BASSETT.

JACO. BROOM,

Maryland.

JAMES M'HENRY, DAN. OF ST. THOS. JENIFER.
DANL. CARROLL,

Virginia.

JOHN BLAIR, JAMES MADISON, Jr.

North Carolina.

WM. BLOUNT, RICH'D DOBBS SPAIGHT.
HU. WILLIAMSON,

South Carolina.

J. RUTLEDGE, CHARLES COTESWORTH PINCKNEY,
CHARLES PINCKNEY, PIERCE BUTLER.

Georgia.

WILLIAM FEW, ABR. BALDWIN.

Attest:

WILLIAM JACKSON, *Secretary.*

ARTICLES,

IN ADDITION TO, AND AMENDMENT OF, THE

Constitution of the United States of America,

PROPOSED BY CONGRESS, AND RATIFIED BY THE LEGISLATURES OF THE
SEVERAL STATES, PURSUANT TO THE FIFTH ARTICLE
OF THE ORIGINAL CONSTITUTION.

ARTICLE I.

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

A well-regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

No soldier shall, in time of peace, be quartered in any house, without the consent of the owner, nor in time of war, but in a manner to be prescribed by law.

ARTICLE IV.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrant shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

ARTICLE VII.

In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ARTICLE IX.

The enumeration in the Constitution of certain rights, shall not be construed to deny or disparage others retained by the people.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

ARTICLE XI.

The judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign State.

ARTICLE XII.

The Electors shall meet in their respective States, and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves; they shall name in their ballot the person voted for as President, and in distinct ballot the person voted for as Vice-President, and they shall make distinct lists of all persons voted for as President, and all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of Electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately by ballot the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one; a quorum for this shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-

President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President, shall be the Vice-President, if such number be a majority of the whole number of Electors appointed; and if no person have a majority, then, from the two highest numbers on the list, the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President, shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.

“SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this Article by appropriate legislation, approved February 1, 1863.”

ARTICLE XIV.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of Electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of

age, and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

SEC. 3. No person shall be a Senator or Representative in Congress, or Elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

SEC. 4. The validity of the public debt of the United States, authorized by law, including debts incurred for the payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts shall be held illegal and void.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The amendment passed the Senate by a vote of 33 yeas to 11 nays, and the House by a vote of 123 yeas to 36 nays.

ARTICLE XV.

SECTION 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

The Constitution was adopted on the 17th of September, 1787, by the convention appointed in pursuance of the resolution of the Congress of the Confederation, of the 21st February, 1787, and ratified by the conventions of the several States, as follows :

By Convention of Delaware	7th December, 1787
“ “ Pennsylvania.....	12th December, 1787
“ “ New Jersey	18th December, 1787
“ “ Georgia.....	2d January, 1788
“ “ Connecticut.....	9th January, 1788
“ “ Massachusetts	6th February, 1788
“ “ Maryland.....	28th April, 1788
“ “ South Carolina.....	28th May, 1788
“ “ New Hampshire	21st June, 1788
“ “ Virginia.....	26th June, 1788
“ “ New York	26th July, 1788
“ “ North Carolina	21st November, 1789
“ “ Rhode Island	29th May, 1790

The first ten of the amendments were proposed on the 25th September, 1789, and ratified by the constitutional number of States on the 15th December, 1791; the eleventh, on the 8th January, 1798; the twelfth, on the 25th September, 1804; the thirteenth, on the 1st February, 1863; the fourteenth, on the 21st July, 1868; and the fifteenth, on the 30th March 1870.

INDEX.

The Numbers refer to Paragraphs.

Acts and Records of States	266
Adjutant-General	87
Amendments to Constitution of U. S.	274-290
Amendments to State Constitution	49
Apportionment of Members of the Legislature	32
Appropriations by Congress	227
Articles of Confederation	1
Assessor, Township	158-160
Assembling and Petitioning	17
Attorney-General, State	100-102
Attorney-General of U. S.	238, 254
Attorney, City	187
Attorneys	90
Auditor of State	68-70
Auditor, County	110-112
Bail and Punishments	13
Bills, How passed	37
Bill of Rights	9
Bill of Attainder	225
Board of Canvassers	30
Board of County Commissioners	106-109, 154
Board of Education, State	77
Board of Education, County	126
Board of Equalization, State	78
Board of Equalization, County	108
Board of Health, State	85
Board of Health, City	184
Board of School Trustees, City	184
Bureau of Statistics	86

Cabinet, President's	248
Circuit Court, Number	134
Terms	135
Judges	136
Jurisdiction	136
Record	137
Circuit Court of U. S	259
Citizens, Privileges of	267
Clerk of Supreme Court	94-95
Clerk of Circuit Court	116-118
Clerk, City	181
Commissioner of Fisheries	82
Commissioners of Deeds	84
Commissioner, Street	184
Committees	37
Congress, How composed	189
Adjournment	201, 247
Control of Members	202
Meetings	200
Powers	206-223
Prohibitions on Members	204
Constitution of U. S., Adoption	5
Nature	6
Oath of Office to Support	273
Supreme Law	272
Constitutions, State	7
Constitution of Indiana, Amendments	49
Constables	161-163
Consuls	243
Copyrights	213
Coroner	128-130
Council, City, Election	176
Meetings	177
Ordinances	178
Officers appointed by	184
Powers	178, 179
Counties	103

County Officers	104
Counterfeiting	211
Courts, U. S., Jurisdiction of	262
Court of Claims	265
Court, Mayor's	185
Criminal Court	140-141
Deed	123
Delegates to National House of Representatives	194
District of Columbia	222
District Court of U. S.	260
Elections, Time	21
Proclamation	21
Officers	26
City	175
Electors, How chosen	231
Meeting of	232
Electoral System, Intention of	237
Emigration not to be prohibited	20
Engineer, City	184
Excises	206
Ex-Post Facto law	16
Freeholders	26
Free Speech	11
Fugitives from Justice	268
General Assembly, Sessions	33
Qualifications of Members	34
Terms of Members	35
Compensation of Members	36
Privileges of Members	41
Officers	38
Quorum	42
Elections	43
Adjournment	44
Journal	45
Local laws prohibited	46
Ineligibility	48
Geologist, State	79

Governor, Election.....	50
Term	51
Qualifications	52
Commander-in-Chief	53
Message	54
Compensation.....	58
Vacancies.....	56
Receives Reports	57
Commissions	59
Pardons and Reprieves.....	55
Officers appointed by	79-87
Habeas Corpus, Writ of	16, 224
Householder	26
House of Representatives, National Officers	193
Impeachment	195
Revenue	195
Compensation of Members	203
Impeachment State Officers.....	47
U. S. Officers	195, 199, 238
Imprisonment for Debt.....	15
Incorporation of Towns	172
Of Cities.....	173
Indictment.....	148
Inquest, Coroner's.....	129
Inspector of Mines.....	80
Of Oils	81
Interior, Secretary of	238, 255
Judges of U. S	261
Judge, City	186
Judicial Power of State.....	88
Jurors, Drawing of.....	146
Qualifications	146
Jurisdiction, Kinds of.....	89
Jury, Grand	147-148
Jury, Petit	149
Jury, Commissioners	145
Justices of the Peace, Election.....	167

 Justices of the Peace—*Continued.*

Jurisdiction.....	168
Duties	169
Docket	170
Compensation.....	170
Laws, How made.....	37
Local prohibited	46
Publication of	65
National, How made	205
Legislative Powers, How vested	31, 189
Letters of Marque and Reprisal	216
Lieutenant-Governor	60-62
Marshal, City	183
Mayor, City; Duties	180-185
Messages, Governor's.....	54
President's	245
Militia	53
Ministers, How appointed.....	243
Mortgage	123
Naturalization	209
Navy, Secretary of	238, 252
Necessity for City Government.....	171
Ordinances, City	178
Pardons and Reprieves.....	55, 243
Patents	213
Polls	27
Postmaster-General	238, 253
Precincts	25
President of U. S., Election	231, 235
Term	230
Election by House of Representatives.....	236
Vacancy in Office	238
Oath of Office	239
Salary	240
Qualifications	241
Commander-in-Chief	242
Pardons and Reprieves	243

President of U. S., Election— <i>Continued.</i>	
Appointments	244
Treaties.....	244
Messages	245
Adjourn and Convene Congress	247
Execute laws	248
Presidency, Succession to	238
President of Senate	233
Prohibitions on the States.....	229
On the U. S.....	224-228
Prosecuting Attorney, Election.....	142
Duties	143-148, 150
Compensation	144
Property, Right of	19
Quartermaster-General	87
Recorder, County	122-123
Religion, Freedom of	10
Reporter of Supreme Court	98-99
Representatives, State	34-36
Representatives, National; Apportionment.....	190
Election	191
Qualifications	192
Compensation.....	203
Republican Form of Government	271
Search, Security against.....	19
Seat of Government	223
Secretary of State, Election.....	63
Custody of Documents	64
Duties	64-66
Compensation.....	67
Senate, U. S., Composition	196
Officers	198
Impeachments	199
Confirmation	244
Senator, U. S.. Election	40, 196
Qualifications	197
Compensation.....	203

Senator, State	34-36
Sheriff, County	119-121
Sheriff of Supreme Court	96, 97
Speaker House of Representatives.....	193
States, Admission of.....	269
State, Secretary of	238, 249
Superior Court.....	138, 139
Superintendent of Public Instruction.....	74-76
Superintendent of Schools, County.....	124-127
Surveyor, County	131-132
Supervisors of Highways	164-166
Supreme Court of State, Judges.....	91
Terms	92
Jurisdiction.....	93
Officers of.....	94-102
Supreme Court of U. S.....	258
Jurisdiction of	263
Taxes	206, 226
Territory of U. S	270
Title of Nobility.....	228
Towns	188
Trouble Among the States	2
Three Departments of Government.....	8
Treasury, Secretary of.....	238, 250
Treasurer of State	71-73
Treasurer, County.....	113-115
Treasurer, City.....	182
Treason.....	14
Treaties, How made.....	244
Trials.....	12
Trial, Criminal	150
Civil	151
Veto	37, 205
Vice-President of U. S.....	198
How elected.....	231-236
Election by Senate	237
Succeeds to Presidency.....	238

Votes, Counting of	29
Voters, Qualifications for	22
Voting, Manner of	26
War, Secretary of	238, 251







LIBRARY OF CONGRESS



0 029 827 390 1